

Am. B.

Proceedings

3040

(373)

INDEX

TO THE

EXECUTIVE DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-NINTH CONGRESS,

1885-'86.

IN THIRTY-SEVEN VOLUMES.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1886.



INDEX TO HOUSE EXECUTIVE DOCUMENTS.

CONTENTS OF THE VOLUMES.

VOL. 1..FOREIGN RELATIONS: No. 1, pt. 1.	VOL. 21..Nos. 5, 62, 116, and 176.
VOL. 2..WAR: No. 1, pt. 2, v. 1.	VOL. 22..No. 9.
VOL. 3..ENGINEERS: No. 1, pt. 2, v. 2, pt. 1.	VOL. 23..No. 18.
VOL. 4..ENGINEERS: No. 1, pt. 2, v. 2, pt. 2.	VOL. 24..No. 19.
VOL. 5..ENGINEERS: No. 1, pt. 2, v. 2, pt. 3.	VOL. 25..Nos. 21 to 50, inclusive, except Nos. 27, 29
VOL. 6..ENGINEERS: No. 1, pt. 2, v. 2, pt. 4.	31, and 49.
VOL. 7..ORDNANCE: No. 1, pt. 2, v. 3.	VOL. 26..No. 27.
VOL. 8..SIGNAL OFFICER: No. 1, pt. 2, v. 4.	VOL. 27..Nos. 29 and 31.
VOL. 9..NAVY: Parts 1 and 2, No. 1, pt. 3.	VOL. 28..No. 49.
VOL. 10..POSTMASTER-GENERAL: No. 1, pt. 4.	VOL. 29..No. 51.
VOL. 11..INTERIOR: No. 1, pt. 5, v. 1.	VOL. 30..Nos. 52 to 118, inclusive, except Nos. 62
VOL. 12..No. 1, pt. 5, v. 2.	and 116.
VOL. 13..No. 1, pt. 5, v. 3.	VOL. 31..Nos. 119 to 172, inclusive, except No. 153.
VOL. 14..No. 1, pt. 5, v. 4.	VOL. 32..No. 153.
VOL. 15..No. 1, pt. 5, v. 5.	VOL. 33..Nos. 173 to 280, inclusive, except Nos. 176
VOL. 16..No. 1, pt. 6.	and 253.
VOL. 17..No. 2, pt. 1.	VOL. 34..No. 253.
VOL. 18..No. 2, pt. 2.	VOL. 35..Nos. 281 to 377, inclusive, except No. 290.
VOL. 19..No. 3.	VOL. 36..No. 290.
VOL. 20..Nos. 4 to 20, inclusive, except Nos. 5, 9, 18,	VOL. 37..No. 378.
and 19.	

INDEX TO THE DOCUMENTS.

Subjects.	No.	Vol.
A.		
Accounts, annual report of unsettled.....	36	25
report of Secretary of Treasury on balances due to and from		
Government on	363	35
Agriculture, annual report of Commissioner of, for 1885.....	378	37
Alaska, letter of Attorney-General relative to bond of United States		
marshal for	11	20
letter of Secretary of Treasury relative to accounts of secre-		
tary of.....	276	33
Alcoholic liquor traffic, letter of Secretary of Treasury relative to li-		
cense tax on retail liquor dealers.....	107	30
American Graphic Company, report of Secretary of War on claim of....	183	33
Anderson, Mary, message of President vetoing bill (H. R. 7436) to pen-		
sion	322	35
Andrews, C. C., letter of Secretary of Treasury on reimbursement of....	124	31
Animals. (See Cattle.)		
Appropriations, annual deficiency estimates.....	62	21
letter of Secretary of Treasury transmitting estimates		
for next fiscal year.....	5	21
supplemental estimates of	176	21
Arizona, letter of Secretary of Treasury relative to salary of surveyor-		
general of	106	30
Arkansas River, report of engineers on survey of	90	30
Army, annual report on expenditure of contingent fund of.....	77	30
appropriations for, letter of Secretary of War relative to.....	192	33

Subjects.	No.	Vol.
Army, Artillery School, letter of Secretary of War relative to erecting building for	171	31
letter of Secretary of War relative to pay of enlisted men employed at Artillery School	108	30
letter of Secretary of War relative to organization of light batteries	115	30
mileage, letter of Secretary of War relative to	134	31
Arner, Philip, message of President vetoing bill (H. R. 6266) to pension Artillery School. (<i>See Army, Fort Monroe.</i>)	324	35
Asheville, N. C., message of President vetoing bill (H. R. 5546) to erect public building at	367	35
Attorney-General:		
Communications from—		
Annual report	7	20
Alaska, relative to bond of marshal in	11	20
Attorneys-General, relative to vouchers for cost of portraits of	229	33
Department of Justice, relative to contingent fund of	224	33
reports on trust funds in	271	33
Fees, relative to payment of, for returning evidence taken by commissioners	24	25
Fox and Wisconsin Rivers, report on awards for damages by improvement of	207	33
Jurors and witnesses, asking deficiency appropriation for	59	30
Substitutes, relative to employment of	155	31
Symons, Thomas, relative to claim of	177	33
B.		
Balances. (<i>See Accounts, War Department.</i>)		
Bangham, Eleanor C., message of President vetoing bill (H. R. 1582) for relief of	251	33
Barnes, Rachel, message of President vetoing bill (H. R. 9106) to pension	369	35
Bartholdi Statue of Liberty, message of President relative to inaugurating	232	33
estimate of appropriation for inaugurating	249	33
Beard, W. H., report of Secretary of Treasury on claim of	241	33
Beezeley, Louisa C., message of President vetoing bill (H. R. 576) for relief of	302	35
Bishop, William, message of President vetoing bill (H. R. 6688) for relief of	320	35
Block Island, letter of Secretary of War relative to submarine cable at	197	33
Boisé City, Idaho, letter of Secretary of Treasury relative to enlarging * United States penitentiary at	54	30
Bonaveris, Paul, estimate of appropriation to pay claim of	198	33
Boon, Clark, message of President vetoing bill (H. R. 7931) to increase pension of	317	35
Boone, William, message of President vetoing bill (H. R. 472) to pension	332	35
Bordeaux International Congress, letter of Secretary of State relative to	205	33
Boston, letter of Secretary of Treasury relative to payment of silver dollars at subtreasury at	163	31
Boston Harbor, letter of Secretary of War relative to repairing seawall in	136	31
Bradley, Sallie A., message of President vetoing bill (H. R. 5394) to pension	337	35
Brooklyn, N. Y., letter of Secretary of Treasury relative to increasing cost of public building at	129	31
Buffalo, N. Y., estimate of appropriation for repair of custom-house at	218	33
Bureau of Engraving and Printing, letter of Secretary of Treasury relative to improving building of	170	31
Bureau of Labor, estimates of appropriations for	69	30
Bureau of Ordnance. (<i>See Navy Department.</i>)		
Bureau of Statistics, annual report and statements of Chief of (foreign commerce)	19	24
Butter. (<i>See Oleomargarine.</i>)		

Subjects.	No.	Vol.
C.		
Cadwalader, J. F., letter of Secretary of Treasury relative to account of..	67	30
Cape Orford, Oregon, estimate of appropriation for light-station at.....	138	31
Capitol Grounds, letter of Secretary of Treasury relative to appropria- tion for improving.....	104	30
Carroll, James, message of President vetoing bill (H. R. 4642) to pension	351	35
Carson City, Nev., letter of Secretary of Treasury relative to appropria- tion for mint at.....	267	33
Cattle, consular reports on.....	51	29
Census, estimate of appropriation for.....	191	33
Central Pacific Railroad, estimate of appropriation to pay transporta- tion claims of.....	270	33
• estimates to pay for mail service.....	280	33
Chase, Charles A., message of President vetoing bill (H. R. 6372) to pension.....	300	35
Chinese immigration, message of President relative to.....	102	30
Civil Service, annual report of, Commission.....	140	31
letters relative to employment of substitutes from—		
Attorney-General.....	155	31
Postmaster-General.....	145	31
Secretary of Interior.....	168	31
Secretary of Navy.....	156	31
Secretary of State.....	160	31
Secretary of War.....	165	31
Secretary of Treasury.....	166	31
Claims, report of, allowed by Court of Claims.....	233	33
list of, allowed for which no appropriations made.....	210	33
estimate of appropriation for defending suits against United States for.....	211	33
report of Secretary of Treasury on, allowed.....	294	35
of claims allowed under ex- hausted appropriations.....	225	33
on claims allowed.....	70	30
report of Secretary of Treasury on war claims allowed under act of July 4, 1864.....	34	25
Clarksburg, W. Va., message of President relative to appropriation for public building at.....	366	35
Coal, report of Secretary of Treasury relative to drawbacks on.....	201	33
Coast defenses. (See Fortifications.)		
Coast Survey, annual report.....	18	23
annual report of expenditures.....	32	25
Coins and coinage, letter of Secretary of Treasury relative to silver bal- ances and silver circulation.....	64	30
letter of Secretary of Treasury relative to reissue of nickel and copper coins.....	174	33
estimate of appropriation for transportation of minor coin.....	247	33
estimate of appropriation for storage and transpor- tation of silver dollars.....	142	31
report of Secretary of Treasury relative to circula- tion of silver dollars.....	100	30
report of Secretary of Treasury relative to pay- ment of silver dollars at Boston subtreasury.....	163	31
Collectors of customs, report of Secretary of Treasury relative to suits against.....	148	31
Commerce and navigation, message of President relative to House bill 4838, to abolish certain shipping fees.....	277	33
report of Secretary of State on foreign mer- cantile marine.....	172	31
Commercial relations, consular reports on.....	253	34
Commissioner of Internal Revenue, annual report.....	4	20
Compagnie Générale Transatlantique, letter of Secretary of State rela- tive to claim of.....	206	33
Comptroller of the Currency, annual report of.....	3	19

Subjects.	No.	Vol.
Connelly, Julia, message of President vetoing bill (H. R. 6257) for relief of	304	35
Consular and diplomatic service, estimate of appropriations for salaries of alien consuls	239	33
estimate for rental of buildings in Tokio, Japan	213	33
estimate of deficiency appropriation for salaries of chargés d'affaires....	261	33
Consular reports, trade and commerce of foreign countries.....	253	34
on cattle	51	29
Copyright, diplomatic correspondence relative to international	354	35
Corwin (revenue steamer), report on cruise of 1885	153	32
Cotton, James D., message of President vetoing bill (H. R. 6117) to pension	311	35
Court of Claims, estimate of appropriations for judgments of	275	33
Courts of United States, letter of Attorney-General asking deficiency appropriation for jurors and witnesses	59	30
letter of Attorney-General relative to payment of fees for returning evidence taken before commissioners	24	25
estimate of deficiency appropriations to pay witness and juror fees	244	33
appropriations for, additional estimates of ...	173	33
	184	33
	204	33
Cree Indians. (<i>See</i> Indians.)		
Crooks, James, report of Secretary of State on claim of	161	31
Crow Indians. (<i>See</i> Indians.)		
Cunningham, Maria, message of President vetoing bill (H. R. 5414) to pension	345	35
Customs. (<i>See</i> Import duties.)		
Customs cases, annual report of awards to informers in	14	20
Customs districts, report of Secretary of Treasury on non-paying	238	33
	246	33
Customs officers, annual report on emoluments of	56	30
Cutter, G. W., message of President vetoing bill (H. R. 3551) to pension	376	35
Cutting, A. K., message of President relative to arrest in Mexico of ...	371	35
D.		
Darling, James H., message of President vetoing bill (H. R. 7257) to pension	306	35
Debt of United States, report of Secretary of Treasury on sinking fund for	66	30
letter of Secretary of Treasury relative to destruction of mutilated securities	167	31
report from 1791 to 1885 on	116	21
Deming, Francis, message of President vetoing bill (H. R. 2971) to pension	350	35
Denver and New Orleans Railroad, letter of Secretary of Interior relative to discriminations against	186	33
Department of Justice, report of Attorney-General on trust funds in ...	271	33
estimate for fitting up building for	189	33
letter of Attorney-General relative to contingent fund of	224	33
supplemental estimates of appropriations for ..	173	33
Department of State, annual report on expenditures of	12	20
annual report on clerks in	52	30
estimate of appropriation for printing and binding for	86	30
Deputy Comptroller of Currency, letter of Secretary relative to salary of	103	30
Dermody, William, message of President vetoing bill (H. R. 1505) to pension	353	35
Direct tax of 1861, report of Secretary of Treasury on	158	31

Subjects.	No.	Vol.
District of Columbia, estimates of appropriations for schools in.....	84	30
estimate of appropriations for education of feeble-minded children in	80	30
letter of Secretary of War relative to appropriations for water supply in	39	25
appropriations for, estimates for public-school building public parks in, letter of Secretary of War relative to regulations for	223	33
War relative to regulations for	144	31
Dow, Jennette, message of President vetoing bill (H. R. 3363) to pension	367	35
Duluth, Minn., message of President vetoing bill (H. R. 5550) to erect public building at	340	35
E.		
Eight-hour law. (<i>See</i> Postal service.)		
Elderkin, David T., message of President vetoing bill (H. R. 5995) to pension	312	35
Eldridge, Rebecca, message of President vetoing bill (H. R. 2145) for relief of	250	33
Evans, Fannie E., message of President vetoing bill (H. R. 4426) to pension	339	35
Ex-Attorneys-General, letter of Attorney-General relative to vouchers for cost of portraits of	229	33
Executive Departments, letters relative to employment of substitutes in, from—		
Attorney-General	155	31
Postmaster-General	145	31
Secretary of Interior	168	31
Secretary of Navy	156	31
Secretary of State	160	31
Secretary of Treasury	166	31
Secretary of War	165	31
F.		
Farris, J. W., message of President vetoing bill (H. R. 6136) to pension	285	35
First Comptroller of the Treasury, annual report of unsettled accounts	36	25
report of	27	26
Forbes, Duncan, message of President vetoing bill (H. R. 8336) to increase pension of	370	35
Foreign mercantile marine, report of Secretary of State on	172	31
Fort Brady, report of Secretary of War relative to sale of	81	30
Fort Douglas, estimate to enlarge	112	30
Fort Hamilton, estimate of appropriation for purchase of ground at	216	33
Fort Leavenworth, estimate of appropriation for building at	178	33
report of Secretary of War on encroachments of Missouri River on reservation at	121	31
Fort Monroe, Va., plans and estimates for permanent wharf at	28	25
letter of Secretary of War relative to erecting building for artillery school at	171	31
Fort Niagara, estimate of appropriation for protecting site of	292	35
Fort Porter, estimate for rebuilding	130	31
Fortifications, letter of Secretary of Treasury relative to appropriations for armament	259	33
Fourth of July claims. (<i>See</i> Claims.)		
Fox and Wisconsin Rivers, report of Attorney-General on awards for damages by improvements of	207	33
Freedman's Hospital, D. C., estimate for repairing water-tank at	88	30
French spoliation claims, estimate of appropriation for securing evidence in	266	33
French spoliation claims, report of Secretary of State on	194	33

Subjects.	No.	Vol.
G.		
Galveston Harbor, report of engineers on improvement of.....	85	30
Gold and silver, annual report of Director of Mint on production of	290	36
Gondalfo, Cæsar, report of Secretary of Treasury on claim of.....	74	30
Governor's Island, N. Y., letter of Secretary of Treasury relative to beacon light on.....	159	31
Grand Island, Miss., estimate for light-house on.....	137	31
Gray's Harbor, Wash. Ter., letter of Secretary of Treasury relative to additional appropriations for light-house at	98	30
Great Falls. (See Potomac River.)		
Green and Barren Navigation Company, letter of Secretary of War relative to purchasing franchises of.....	152	31
Grosse Island, Mich., letter of Secretary of Treasury relative to establishing range lights at.....	265	33
Guyse, George W., message of President vetoing bill (H. R. 3205) to pension	310	35
H.		
Hall of Records, letter of Secretary of Treasury relative to erecting	143	31
Hannibal, Mo., letter of Secretary of Treasury on increasing cost of public building at.....	150	31
Hanson Grant, Florida, report of Secretary of Interior on.....	331	35
Harbaugh, Sarah, message of President vetoing bill (H. R. 6895) to pension	315	35
Harden, S. W., message of President vetoing bill (H. R. 1406) to pension	252	33
Harrington, Edward M., message of President vetoing bill (H. R. 6648) to pension	336	35
Hawes, Susan, message of President vetoing bill (H. R. 7234) to pension	374	35
Hawley, Giles C., message of President vetoing bill (H. R. 424) to pension	305	35
Hendricks, Thomas A., estimate of appropriation for engraved portraits of	151	31
Hennepin Canal. (See Illinois and Mississippi Canal.)		
Hensley, E. P., message of President vetoing bill (H. R. 1707) to pension	289	35
Hill, Andrew J., message of President vetoing bill (H. R. 1471) to increase pension of.....	226	33
Hipple, Henry, message of President vetoing bill (H. R. 6897) to pension	284	35
Holland, report of Secretary of State on taxation of petroleum by.....	179	33
	254	33
Hot Springs, Ark., estimate of appropriations for improvements at	212	33
letter of Secretary of War relative to Army and Navy hospital at	296	35
Humboldt Bay, California, report of Secretary of Treasury relative to removing light-house at	91	30
Hunter, John, message of President vetoing bill (H. R. 1990) to pension	282	35
Hunter, Maria, message of President vetoing bill (H. R. 7167) for relief of	327	35
I.		
Illinois and Mississippi Canal, report of engineers on surveys of routes for	117	30
Immigration, letter of Secretary of Treasury relative to regulation of..	141	31
Import duties, annual report on refunds of	16	20
annual report of Secretary of Treasury on expenses of collecting	33	25
letter of Secretary of Treasury relative to revision of laws regulating protests, appeals, and suits for collection at	43	25
letter of Secretary of Treasury relative to revision of.....	147	31
report of Secretary of Treasury on questions arising under tariff act of 1883.....	68	30
report of Secretary of Treasury relative to drawbacks on coal	201	33

Subjects.	No.	Vol.
Indian Bureau, estimate of appropriation for clerical force in	89	30
Indian Commissioners, annual report	109	30
Indian depredation claims, report of Secretary of Interior on	125	31
Indians:		
census of, estimate of appropriations for taking	79	30
Cheyenne, message of President relative to condition of	17	20
Cree, estimate for relief of	231	33
Crow, letter from Secretary of Treasury relative to appropria- tion for allotment of lands to	53	30
Mackinac Agency, estimate for compensation of agent at	234	33
Mescalero Reservation, letter of Secretary of Interior relative to paying settlers for improvements on	221	33
Miami, letter of Secretary of Interior relative to relief of	57	30
letter of Secretary of Interior relative to funds of	23	30
Navajo Reservation, estimate of appropriation for artesian wells on	262	33
Round Valley Agency, estimate of appropriations for	295	35
Reservation, report of Secretary of Interior on allotting lands of	21	25
Sioux, estimate to pay claims of Red Cloud and Red Leaf bands of	35	25
Indian service, report of expenses and disbursements in	6	20
Interior Department, annual report of contingent expenditures of	15	20
estimate for constructing east wing of building of	230	33
Internal Revenue, Annual Report of Commissioner of	4	20
letter of Secretary of Treasury relative to paying drawbacks on stills exported	46	25
taxes, letter of Secretary of Treasury relative to li- cense-tax on retail liquor-dealers	107	30
collectors, relative to repealing commissions to	122	31
letter of Secretary of Treasury relative to commissions to	122 190	31 33
laws, letter of Secretary of Treasury relative to pen- alties for having in possession used liquor-stamps ..	194	33
International copyright. (See Copyright.)		
Iron and steel tests, estimate of appropriations for	73	30
Irwin, John T., message of President vetoing bill (H. R. 3640) to pen- sion	338	35
J.		
Jacoby, Margaret A., message of President vetoing bill (H. R. 5021) to pension	344	35
Jeffersonville, Indiana, estimate of appropriation to purchase land at ..	178	33
Joseph Richards, letter of Secretary of Interior relative to accounts of ..	127	31
Jurors. (See Courts of United States.)		
K.		
Kansas City, Fort Scott and Gulf Railroad, message of President re- turning bill (H. R. 6391) granting right of way to	255	33
Karstetter, Mary, message of President vetoing bill (H. R. 2043) to pen- sion	341	35
Kinney, Ann, message of President vetoing bill (H. R. 5389) to pension ..	375	35
Kyler, H. L., message of President vetoing bill (H. R. 1818) to pension ..	334	35
L.		
La Abra Mining Company, report of Secretary of State on claim of	274	33
Lancaster, R. D., letter of Secretary of Treasury relative to charges against	360	35
Leavenworth Military Prison, letter of Secretary of War relative to ap- plication of appropriations for	200	33
Leeffe, F. J., message of President vetoing bill (H. R. 3624) to pension ...	283	35
Legaré, Jean Louis, letter of Secretary of State relative to claim of	356	35

Subjects.	No.	Vol.
Lehman, L., report of Secretary of Treasury on reappraisement of glass-ware imported by	22	25
Letter-carriers. (<i>See</i> Postal Service.)		
Lights, letter of Secretary of Treasury relative to appropriation for depot for fourteenth light-house district.....	40	25
Grand Island, Miss., estimate for light-house on	137	31
Gray's Harbor, Washington, letter of Secretary of Treasury relative to additional appropriation for light-house at.....	98	30
Governor's Island, New York, letter of Secretary of Treasury relative to beacon-light on	159	31
Grosse Island, Michigan, letter of Secretary of Treasury relative to establishing range-lights at	265	33
light-houses, estimate of appropriations for repair of.....	269	33
Pensacola, Fla., letter of Secretary of Treasury relative to additional, at	45	30
Two Harbors, Minn., estimate for light station at.....	203	33
Liquor dealers. (<i>See</i> Alcoholic liquor traffic.)		
Loomis, Aretus F., message of President vetoing bill (H. R. 7018) to pension	333	35
Lord Nelson (schooner), letter of Secretary of State on claim of	161	31
Luce, Elizabeth, message of President vetoing bill (H. R. 5997) to pension.....	281	35
M.		
McCarty, Catharine, message of President vetoing bill (H. R. 5603) to pension	335	35
McIlwain, Martha, message of President vetoing bill (H. R. 7162) to pension.....	318	35
McKay, Elizabeth, message of President vetoing bill (H. R. 4782) to pension	347	35
Mackinac Agency. (<i>See</i> Indians.)		
Mare Island navy-yard, estimate of appropriations for quarters and barracks at.....	279	33
Marine Corps, additional estimate of appropriations for.....	202	33
Marine Hospital Service, letter of Secretary of Treasury relative to an additional surgeon-general in.....	187	33
estimate of appropriation for repair of hospitals.....	217	33
Medical examiners. (<i>See</i> Pension Office.)		
Merchant marine. (<i>See</i> Commerce and navigation.)		
Mescalero Reservation. (<i>See</i> Indians.)		
Mexican awards, report of Secretary of State on claims of La Abra Mining Company and B. Weil under.....	274	33
Miami. (<i>See</i> Indians.)		
Military Academy, estimate of appropriations for	119	31
letter of Secretary of War relative to appropriation for	135	31
Milk sugar, letter of Secretary of State on manufacture in Switzerland of.....	188	33
Miller, Mary Ann, message of President vetoing bill (H. R. 1816) to pension	309	35
Miller, Samuel, message of President vetoing bill (H. R. 7401) to pension.....	316	35
Mint, annual report of Director of Mint on production of precious metals.....	290	36
estimate of appropriation for boilers at Philadelphia mint.....	273	33
letter of Secretary of Treasury relative to appropriation for	87	30
letter of Secretary of Treasury relative to salaries of officers of... ..	126	31
letter of Secretary of Treasury relative to appropriation for mint Carson City, Nev.....	267	33
Mississippi River, letter of Secretary of War relative to regulations for passage of vessels through, South Pass of	58	30
letter of Secretary of War relative to appropriations for conducting examinations of South Pass of	75	30
Mississippi River Commission, supplemental report of	38	30
Missouri River Commission, report of.....	41	30
Monroe, J. D., message of President vetoing bill (H. R. 4058) to pension.....	286	35
Montana, estimate of appropriations for legislative expenses of.....	123	31

Subjects.	No.	Vol.
Moorehead, Abner, message of President vetoing bill (H. R. 3304) to pension	346	35
Muskingum River, report of engineers on survey of	48	25
Mutual Life Insurance Company, N. Y., letter of Secretary of Treasury relative to claim of	235	33
N.		
National Museum, estimate of appropriations for	291	35
Navajo Reservation. (See Indians.)		
Navy, list of retired officers	111	30
vessels, estimate of appropriation for armament of new cruisers ..	215	33
report of Secretary of Navy relative to progress on steel cruisers ..	185	33
Navy Department, annual report of contingent expenses of	47	25
annual report of employés in	65	30
estimate to pay carpenters at	242	33
estimate for pay of draftsmen in Bureau of Steam-Engineering	243	33
estimate of deficiency appropriation for Bureau of Ordnance	195	33
Navy-yard, Mare Island, estimate of appropriations for quarters and barracks at	279	33
Neptune Island, New York, estimate of appropriation to purchase land at	178	33
Nevil, William H., message of President vetoing bill (H. R. 3623) to pension	349	35
New Mexico, letter of Secretary of Interior relative to adjusting private land claims in	209	33
New Orleans, La., estimate of appropriation for repairs of mint building at	218	33
report of Secretary of Treasury on moneys and funds seized by military authorities at	101	30
New York City, report of Secretary of War on purchase of Produce Exchange in	13	20
estimate of appropriation for an assistant collector at ..	240	33
letter of Secretary of Treasury relative to additional accommodations for appraiser's store at	94	30
estimate of appropriation for repairing barge office at ..	220	33
letter of Secretary of Treasury relative to sale of old post-office in	235	33
estimates of appropriation for sub-treasury at	180	33
Norfolk navy-yard, report of Secretary of Navy on affairs at	118	30
Norman, Mary, message of President vetoing bill (H. R. 6192) to pension ..	325	35
O.		
Olcott Harbor, New York, estimate for repairs at	228	33
Oleomargarine, message of President relative to bill to define butter and to tax	368	35
Oregon, report of Secretary of Interior on wagon-road land grants in ..	131	31
Ounalaska (schooner), report of Secretary of State on case of	329	35
P.		
Pacific Railroads, letter of Secretary of Interior on contracts of	60	30
report of Secretary of Treasury on sinking fund for ...	44	25
Painter, Francis J., report of Secretary of Navy on retirement of	182	33
Parks, letter of Secretary of War relating to regulations for, in District of Columbia	144	31
Pascagoula River, Florida, report of engineers on survey of	83	30
Passenger act, letter of Secretary of Treasury relative to	72	30
Paul, Joseph, estimate of appropriation to pay	328	35
Pensacola, Fla., letter of Secretary of Treasury relative to additional lights at	45	25
Pension Board of Appeals, letter of Secretary of Interior relative to salaries of	154	31

Subject.	No.	Vol.
Pension Bureau, estimate for additional floor in building of.....	256	33
Pension Office, letter of Secretary of Interior relative to medical examiners in.....	164	31
Pension Office building, estimate of appropriation for completing.....	96	30
estimate of appropriation for completing.....	96	30
Pensions, estimates of additional appropriations for.....	162	31
additional estimates for appropriations for.....	162	31
Petroleum, report of Secretary of State on taxation by Holland of.....	254	33
Philadelphia, letter of Secretary of Treasury relative to additional watchmen at silver vaults in.....	169	31
Points, Abraham, message of President vetoing bill (H. R. 8556) to pension.....	373	35
Pork, report of Secretary of State relative to restrictions on American..	181	33
Postal service, annual report of Postmaster-General on proposals for mail contracts.....	9	22
annual report of Postmaster-General on mail contracts..	20	20
letter of Postmaster-General relative to pay of railway postal clerks.....	110	30
letter of Postmaster-General relative to application of eight-hour law to letter-carriers.....	71	30
Postmaster-General:		
Communications from—		
Mail contracts, annual report on proposals for.....	9	22
annual report on.....	20	20
Postal service, relative to pay of railway postal clerks.....	110	30
relative to application of eight-hour law to letter-carriers.....	71	30
Postmasters, report on disallowed stationery accounts of.....	245	33
Post-Office Department, report of unsettled accounts in.....	97	30
Substitutes, relative to employment of.....	145	31
Trust funds, report on.....	330	35
Postmasters, report of Postmaster-General on disallowed stationery accounts of.....	245	33
Post-Office Department, report of Postmaster-General on unsettled accounts in.....	97	30
Potomac River, report of Secretary of War on fishways at Great Falls..	272	33
Poughkeepsie, N. Y., estimate for approaches to public building at	42	25
Precious metals. (See Gold and Silver.)		
President of the United States:		
Annual message, with accompanying documents—		
Foreign Relations, part 1.....	1	1
Report of Secretary of War, 4 volumes, part 2.....	1	2-8
Report of Secretary of Navy, 2 volumes, part 3.....	1	9
Report of Postmaster-General, part 4.....	1	10
Report of Secretary of Interior, 5 volumes, part 5.....	1	11-15
Communications from—		
American vessels, transmitting report on seizure in British waters. {	217	33
	221	33
Bartholdi statue of Liberty, relative to inaugurating.....	232	33
Chinese immigration, relative to.....	102	30
Civil Service Commission, transmitting annual report of.....	140	31
Clarksburg, W. Va., relative to appropriation for public building at.....	366	35
Consular reports, transmitting.....	253	34
Crooks, James, transmitting report on claim of.....	161	31
Crow Indians, transmitting a report relative to.....	53	30
Cutting, A. K., relative to arrest in Mexico of.....	371	35
Foreign mercantile marine, transmitting report on.....	172	31
Holland, transmitting report on taxation of petroleum by.....	179	33
Indian Commissioner, transmitting annual report of.....	109	30
International copyright, transmitting diplomatic correspondence relative to.....	354	35
Kansas City, Fort Scott and Gulf Railroad, returning bill for.....	255	33
Mexican awards, transmitting report on claims of La Abra Mining Company and B. Weil under.....	274	33
Miami Indians, transmitting report relative to relief of.....	57	30

Subject.	No.	Vol.
President of the United States—Continued.		
Communications from—Continued.		
Milk-sugar, transmitting report on manufacture in Switzerland of..	188	33
Northern Cheyenne Indians, relative to condition of	17	20
Oleomargarine, relative to bill to tax manufacture of	368	35
Ounalaska (schooner), transmitting report on case of	329	35
Pacific railroads, transmitting report on contracts of	60	30
Petroleum, transmitting report on taxation by Holland of	254	33
Pork, transmitting report on foreign restrictions on importation of.	181	33
Round Valley Reservation, transmitting report on allotting lands of.	21	25
Santos, Julio R., transmitting report on imprisonment in Ecuador of	361	35
Shipping fees, relative to bill H. R. 4838, to abolish certain	277	33
South American Commission, transmitting report of	50	25
Substitutes, transmitting report on employment in Executive De- partments of	160	31
Tonnage duties, transmitting diplomatic correspondence relative to.	132	31
Trust funds, transmitting report of Secretary of State on	362	35
Veto—		
Bill (H. R. 1471) to increase pension to Andrew J. Hill	226	33
Bill (H. R. 3019) to increase pension to Abigail Smith	227	33
Bill (H. R. 2145) for relief of Rebecca Eldridge	250	33
Bill (H. R. 1582) for relief of Eleanor C. Bangham	251	33
Bill (H. R. 1406) to pension S. W. Harden	252	33
Bill (H. R. 5997) to pension Elizabeth Luce	280	33
Bill (H. R. 1990) to pension John Hunter	282	35
Bill (H. R. 3624) to pension F. J. Leese	283	35
Bill (H. R. 6897) to pension Henry Hipple	284	35
Bill (H. R. 6136) to pension J. W. Farris	285	35
Bill (H. R. 4058) to pension J. D. Monroe	286	35
Bill (H. R. 3826) to pension John Taylor	287	35
Bill (H. R. 4002) to pension C. W. Tiller	288	35
Bill (H. R. 1007) to pension E. P. Hensley	289	35
Bill (H. R. 6718) to pension William H. Starr	298	35
Bill (H. R. 7108) to pension Andrew J. Wilson	299	35
Bill (H. R. 6372) to pension Charles A. Chase	300	35
Bill (H. R. 6774) to pension Bruno Schultz	301	35
Bill (H. R. 576) for relief of Louisa C. Beezeley	302	35
Bill (H. R. 7703) to pension Anna A. Probert	303	35
Bill (H. R. 6257) for relief of Julia Connelly	304	35
Bill (H. R. 424) to pension Giles C. Hawley	305	35
Bill (H. R. 7257) to pension James H. Darling	306	35
Bill (H. R. 7614) to increase pension to Hezekiah Tillman	307	35
Bill (H. R. 7109) to pension Joseph Tuttle	308	35
Bill (H. R. 1816) to pension Mary Ann Miller	309	35
Bill (H. R. 3205) to pension George W. Guyse	310	35
Bill (H. R. 6117) to pension James D. Cotton	311	35
Bill (H. R. 5995) to pension David T. Elderkin	312	35
Bill (H. R. 7222) to pension Sallie West	313	35
Bill (H. R. 7073) to pension Mary S. Woodson	314	35
Bill (H. R. 6895) to pension Sarah Harbaugh	315	35
Bill (H. R. 7401) to pension Samuel Miller	316	35
Bill (H. R. 7931) to increase pension of Clark Boon	317	35
Bill (H. R. 7162) to pension Martha McIlwain	318	35
Bill (H. R. 7298) for the relief of Charles Schuler	319	35
Bill (H. R. 6688) for relief of William Bishop	320	35
Bill (H. R. 7979) to pension Jackson Stewart	321	35
Bill (H. R. 7436) to pension Mary Anderson	322	35
Bill (H. R. 6752) to pension Alice E. Travers	323	35
Bill (H. R. 6266) to pension Philip Arner	324	35
Bill (H. R. 6192) to pension Mary Norman	325	35
Bill (H. R. 6170) to pension Mary A. Van Etten	326	35
Bill (H. R. 7167) for relief of Maria Hunter	327	35
Bill (H. R. 472) to pension William Boone	332	35
Bill (H. R. 7018) to pension Aretus F. Loomis	333	35
Bill (H. R. 1818) to pension H. L. Kyler	334	35

Subjects.	No.	Vol.
President of the United States—Continued.		
Communications from—Continued.		
Veto—Continued.		
Bill (H. R. 5603) to pension Catharine McCarty	335	35
Bill (H. R. 6648) to pension Edward M. Harrington	336	35
Bill (H. R. 5394) to pension Sally A. Bradley	337	35
Bill (H. R. 3640) to pension James T. Irwin	338	35
Bill (H. R. 4426) to pension Fannie E. Evans	339	35
Bill (H. R. 5550) to erect public building at Duluth, Minn.	340	35
Bill (H. R. 2043) to pension Mary Karstetter	341	35
Bill (H. R. 5306) to pension Roxana V. Rowley	342	35
Bill (H. R. 4797) to pension Robert H. Stapleton	343	35
Bill (H. R. 5021) to pension Margaret A. Jacoby	344	35
Bill (H. R. 5414) to pension Maria Cunningham	345	35
Bill (H. R. 3304) to pension Abner Moorehead	346	35
Bill (H. R. 4782) to pension Elizabeth McKay	347	35
Bill (H. R. 3043) to pension Lewis W. Scanland	348	35
Bill (H. R. 363) to pension William H. Nevil	349	35
Bill (H. R. 2971) to pension Francis Deming	350	35
Bill (H. R. 4642) to pension James Carroll	351	35
Bill (H. R. 1059) to pension Jacob Romiser	352	35
Bill (H. R. 1505) to pension William Dermody	353	35
Bill (H. R. 524) to pension D. H. Ross	355	35
Bill (H. R. 5546) to erect public building at Asheville, N. C.	357	35
Bill (H. R. 1391) to erect public building at Springfield, Mo.	364	35
Bill (H. R. 3363) to pension Jennette Dow	367	35
Bill (H. R. 9106) to pension Rachel Barnes	369	35
Bill (H. R. 8336) to increase pension of Duncan Forbes	370	35
Bill (H. R. 8556) to pension Abraham Points	373	35
Bill (H. R. 7234) to pension Susan Hawes	374	35
Bill (H. R. 5389) to pension Ann Kinney	375	35
Bill (H. R. 3551) to pension G. W. Cutler	376	35
Bill (H. R. 1584) for the relief of A. C. Richardson	377	35
Private land claims:		
Florida: Report of Secretary of Interior on Hanson grant	331	35
New Mexico, estimate of appropriations for survey of	146	31
Report of Secretary of Interior on San Tomas de Yturbide claim.	196	33
Letter of Secretary of Interior relative to adjustment of	209	33
Probert, Anna A., message of President vetoing bill (H. R. 7703) to pension	303	35
Produce Exchange, New York City, report of Secretary of War on purchase of	13	20
Public buidings, estimate of appropriations for repairs of	113	30
for heating apparatus in	128	31
certain	358	35
for repair of	214	33
.....	217	33
.....	218	33
Public documents, annual report on distribution of	72	30
Public lands, suspended entries, annual list of	30	25
Public printing, estimate of deficiency appropriation for	222	33
Q.		
Quartermaster's Department, estimates of appropriations for	93	30
R.		
Receipts and expenditures, annual report of, 1882	31	27
1885	29	27
1883	365	35
Receipts and expenditures and public debt, report on, to 1885	116	21
Records. (See Hall of Records.)		
Register's Office. (See Treasury Department.)		
Richardson, A. C., message of President vetoing bill (H. R. 1584) for relief of	377	35

Subjects.	No.	Vol.
Rivers and harbors, letter of Secretary of War relative to appropriations	372	35
Rochester, N. Y., letter of Secretary of Treasury relative to appropriation for public building at	236	33
Romiser, Joseph, message of President vetoing bill (H. R. 1059) to pension	352	35
Ross, D. M., message of President vetoing bill (H. R. 524) to pension ..	355	35
Round Valley Reservation. (<i>See</i> Indians.)		
Rowley, Roxana V., message of President vetoing bill (H. R. 5306) to pension	342	35
S.		
Saco River, Me., report of engineers on survey of	37	25
Saint Mary's Falls Canal, letter of Secretary of War relative to improving	61	30
Santa Fé, N. Mex., letter of Secretary of Interior relative to repairing adobe palace at	105	30
Santee River, S. C., report of engineers on improvement at	114	30
Santos, Julio R., report of Secretary of State of imprisonment in Ecuador of	361	35
Saugatuck River, report of engineers on survey of	76	30
Scanland, Lewis W., message of President vetoing bill (H. R. 3043) to pension	348	35
Schuler, Charles, message of President vetoing bill (H. R. 7298) for relief of	319	35
Schultz, Bruno, message of President vetoing bill (H. R. 6774) to pension	301	35
Seamen, estimate of appropriation for shipping and discharging seamen at Liverpool	198	33
Secretary of Interior:		
Communications from—		
Denver and New Orleans Railroad, relative to discriminations against	186	33
Hanson, John H., relative to land survey of	331	35
Indian depredation claims, report on	125	31
Interior Department, annual report on contingent expenditures of ..	15	20
Joseph, Richard, relative to accounts of	127	31
Medical examiners in Pension Office, relative to	164	31
Mescalero Reservation, relative to paying settlers for improvements ..	221	33
Miami Indians, relative to relief of	57	30
relative to funds of	23	25
Northern Cheyenne Indians, relative to condition of	17	20
Oregon wagon-road grants, relative to	131	30
Pacific Railroads, relative to contracts of	60	30
Pension board of appeals, relative to salaries of	154	31
Private land claims, report on Santa Tomas de Yturbide claim, New Mexico	196	33
Public documents, annual report on distribution of	78	30
Round Valley Reservation, on allotting lands of	21	25
Santa Fé, N. Mex., relative to repairing adobe palace at	105	30
Suspended entries of public lands, annual report on	30	25
Trust funds, statement of	168	31
Secretary of Navy:		
Communications from—		
Navy Department, annual report of contingent expenditures of	47	25
on employés in	65	30
relative to employment of substitutes in	156	31
Norfolk navy-yard, relative to	118	30
Painter, F. J., relative to retirement of	182	33
Retired officers, list of	111	30
Trust funds, report on	263	33
Vessels, relative to progress on steel cruisers	185	33
Washington navy-yard, relative to ordnance shops in	139	31

Subjects.	No.	Vol.
Secretary of State:		
Communications from—		
Bordeaux International Congress, relative to.....	205	33
Compagnie Générale Transatlantique, relative to claim of.....	206	33
Consular reports, transmitting.....	253	33
Crooks, James, relative to claim of.....	161	31
Cutting, A. K., relative to arrest in Mexico of.....	371	35
Department of State, annual report on expenditures of.....	12	20
Foreign mercantile marine, report on.....	172	31
French spoliation claims, report of Mr. Tuck on.....	194	33
Holland, on taxation of petroleum by.....	{ 179	33
	{ 254	33
International copyright, diplomatic correspondence relative to....	354	35
Mexican awards, relative to claims of La Abra Mining Company and B. Weil under.....	274	33
Milk sugar, on manufacture in Switzerland of.....	188	33
Onnalaska (schooner), relative to case of.....	329	35
Petroleum, relative to taxation by Holland of.....	254	33
Pork, on foreign restrictions on importation of.....	181	33
Santos, Julio R., relative to imprisonment in Ecuador of.....	361	35
Sitting Bull, relative to claim of J. L. Lagaré in procuring surren- der of.....	356	35
State Department, annual report on clerks in.....	52	30
Substitutes, relative to employment in Executive Departments of..	160	31
Tonnage duties, diplomatic correspondence relative to.....	132	31
Trust funds: report on.....	362	35
Secretary of Treasury:		
Communications from—		
Annual report.....	2	18
Alaska, relative to accounts of secretary of.....	276	33
Andrews, C. C.: relative to reimbursement of.....	124	31
Appropriations, supplemental estimates for.....	176	33
estimates for building at Fort Leavenworth, and purchase of land at Jeffersonville and Neptune Island.....	178	33
estimates for ensuing fiscal year.....	5	21
Attorneys-General, relative to vouchers for cost of portraits of.....	229	33
Balances, report of balances due to and from United States.....	363	35
Bartholdi statue of Liberty, estimate of appropriation for inau- gurating.....	249	33
Beard, W. H., estimate to pay claim of.....	241	33
Boise City penitentiary, relative to enlarging.....	54	30
Bonaveris, Paul, estimate of appropriation to pay.....	198	33
Boston sub-treasury, relative to payment of silver dollars at.....	163	31
Brooklyn, N. Y., relative to increasing cost of public building at... Bureau of Engraving and Printing, relative to improving building at.....	129	31
	170	31
Bureau of Labor, estimates of appropriation for.....	69	30
Cadwallader, J. P., relative to amount of.....	47	30
Cape Orford light, estimate of appropriation for.....	138	31
Capitol grounds, relative to appropriation for improving.....	104	30
Carson City mint, relative to appropriation for.....	267	33
Census, estimate of appropriation for.....	191	33
Census of Indians, estimate of appropriations for taking.....	79	30
Central Pacific Railroad, estimates of appropriation to pay trans- portation claims of 1865.....	270	33
Central Pacific Railroad, estimates to pay mail service.....	280	33
Chargés d'affaires, estimate of deficiency appropriation for salaries of.....	261	33
Claims, list of claims allowed for which no appropriations made... list of claims allowed under exhausted appropriations..... estimate of appropriation for defending suits against United States for.....	210	33
	225	33
	211	33
list of, allowed.....	294	35
list of claims allowed by Court of Claims.....	233	33
allowed.....	70	30

Subjects.	No.	Vol.
Secretary of Treasury—Continued.		
Communications from—		
Coal, relative to drawbacks on	201	33
Coast survey, annual report of expenditures	32	25
annual report	18	23
Collectors of customs, relative to suits against	148	31
Commissioners, additional estimates of appropriations for	204	33
Consuls, estimate of appropriations for salaries of alien	239	33
Corwin, report of cruise	153	32
Court of Claims, estimate of appropriations for judgments of	275	33
Cree Indians, estimate for relief of	231	33
Crow Indians, relative to appropriation for allotment of lands to	53	30
Customs cases, annual report of awards to informers in	14	20
relative to revision of laws regulating	43	25
districts, relative to non-paying	238	33
officers, annual report on emoluments of	56	30
Department of Justice, estimate for fitting up building for	189	33
Deputy Comptroller of Currency, relative to salary of	103	30
Direct tax of 1861, relative to	158	31
District of Columbia, estimate of appropriation for education of fee- ble-minded children in	80	30
estimates of appropriations for schools in	84	30
estimate of appropriation for public-school buildings	223	33
Fort Douglas, estimate to enlarge	112	31
Fort Hamilton, estimate of appropriation for purchase of ground at	216	33
Fort Niagara, estimate of appropriation for protecting site of	292	35
Fortifications, relative to appropriation for armament of	259	33
Freedmen's Hospital, estimate of appropriation for repairs at	88	30
French spoliation claims, estimate of appropriation for securing evi- dence in	266	33
Galveston, Tex., relative to act for erection of public building at	85	30
Gondolfo, Cæsar, on claim of	74	30
Governor's Island, New York, relative to beacon-light on	159	31
Grand Island, Mississippi, estimate for erecting light-house at	137	31
Gray's Harbor, relative to additional appropriations for light- house at	98	30
relative to appropriation for light-house at	65	30
Hall of records, recommending erection of	143	31
Hannibal, Mo., relative to increasing cost of public building at	150	31
Hendricks, T. A., estimate of appropriation for engraved portraits of	151	31
Hot Springs, Ark., estimates of appropriations for improvement at	212	33
Humboldt Bay, California, relative to removing light-house at	91	30
Immigration, relative to regulation of	141	31
Import duties, annual report on refunds of	16	20
Indian Office, estimate of appropriation for clerical force in	89	30
Interior Department, estimate for reconstructing east wing of building	230	33
Internal-revenue collectors, relative to commissions to	1910	-----
laws, relative to amending section 12 of act of 1879	149	31
Jurors' fees, additional estimates of appropriations for	173	33
Lancaster, R. D., relative to charges against	360	35
Lehman, L., relative to reappraisement of glassware imported by	22	25
Light-house depot for fourteenth district, relative to an appropria- tion for	40	25
Light-houses, estimates of appropriations for repair of	269	33
Mackinac Indian agency, estimate for compensation of agent at	234	33
Mare Island navy-yard, estimate of appropriations for quarters and barracks at	279	33
Marine Corps, additional estimates of appropriations for	202	33
Marine Hospital Service, relative to an additional surgeon-general in	187	33
Minor coin, estimate for transportation of	247	33

Subjects.	No.	Vol.
Secretary of Treasury—Continued.		
Communications from—		
Mint, relative to salaries of officers of	126	31
relative to appropriation for	87	30
estimate of appropriation for boilers at Philadelphia	273	33
Montana, estimate of appropriation for legislative expenses of	123	31
National Museum, estimate of appropriations for	291	35
Navajo Reservation, estimate of appropriation for artesian wells on	263	33
Navy, estimate of appropriation for armament of new cruisers	215	33
Navy Department, estimate to pay carpenters at	242	33
estimate for pay of draftsmen in Bureau of Steam Engineering in	243	33
estimate of deficiency appropriation for Bureau of Ordnance	195	33
New Orleans, La., report on moneys seized by military authorities at	101	30
New York, estimate of appropriation for an assistant collector at ..	240	33
appraiser's store, on additional accommodations for	94	30
New York barge office, estimate of appropriation for repairing	220	33
New York post-office, letter of Secretary of Treasury relative to sale of old site	235	33
New York subtreasury, estimates of appropriations for	180	33
Nickel and copper coins, relative to reissue of	174	33
Pacific railroads, on sinking fund for	44	25
Passenger act, relative to	72	30
Paul, Joseph, estimate of appropriation to pay	328	35
Pension building, estimate for an additional floor in	256	33
Philadelphia, Pa., relative to additional watchmen at silver vaults in	169	31
Poughkeepsie, N. Y., estimate for approaches to public building at ..	42	25
Precious metals, annual report on production of	290	36
Private land claims, estimate of appropriation for surveys in New Mexico of	146	31
Public buildings, estimate of appropriation for heating apparatus {	128	31
in certain	358	35
estimate of appropriations for repair of	113	30
estimates of appropriations for repairs of certain ..	214	33
	217	33
	218	33
Public printing, estimate of deficiency appropriation for	222	33
Quartermaster's Department, estimates of appropriations for	93	30
Receipts and expenditures, annual report for 1882	31	27
annual report for 1885	29	27
annual report for 1883	365	35
Receipts and expenditures and public debt, report on	116	21
Register's Office, estimates of appropriations for	95	30
relative to salaries in	99	30
Rochester, N. Y., relative to appropriation for public building at ..	236	33
Round Valley Indian Agency, estimate of appropriations for	295	35
Seamen, estimate of appropriation for shipping and discharging sea- men at Liverpool	193	33
Securities, relative to destruction of mutilated	167	31
Shearman, G. K., relative to claim of	262	33
Signal Service, estimate of additional appropriations for	120	31
Silver balances, relative to statement of	64	30
Silver dollars, estimate of appropriation for storage and transporta- tion of	142	31
relative to circulation of	100	30
Sinking fund, amount applied to	66	30
Sioux Indians, estimate to pay claims of Red Cloud and Read Leaf bands of	35	25
State Department, estimate of appropriation for printing and bind- ing for	86	30
Statistical abstract, annual report of	26	25
Steam-boilers, relative to laws governing construction of	55	30

Subjects.	No.	Vol.
Secretary of Treasury—Continued.		
Communications from—		
Steam-vessels, relative to appointment of watchmen on.....	63	30
relative to amending laws for inspection of.....	359	35
Still, relative to paying drawbacks on exports of.....	46	25
Substitutes, on employment.....	166	31
Surveyor-general of Arizona, relative to salary of.....	106	30
Tariff, relative to revision of.....	147	31
Tariff act of 1883, questions arising under.....	68	30
Testing-machine, estimate of appropriation for.....	73	30
Thomas, Thomas, relative to refunding fine to.....	258	33
Tokio, Japan, estimate of appropriation to pay rental of legation buildings at.....	213	33
Treasury building, estimate of appropriation to improve sanitary condition of.....	219	33
Treasury Department, annual report on contingent expenditures of.....	10	20
estimate of deficiency appropriation for custodians and janitors in.....	199	33
estimate of appropriations for printing for.....	95	30
relative to applying unexpended appropriations to deficiencies in.....	237	33
recommending additional clerk in disbursing office of.....	260	33
Trust funds, report on.....	293	35
Two Harbors, Minn., estimate for light station at.....	203	33
Utah, estimate for furniture for office of governor of.....	257	33
War claims, list of those allowed under act of July 4, 1865.....	34	25
Wichita, Kans., relative to appropriation for public building at.....	208	33
Witness and juror fees, estimate of deficiency appropriation for.....	244	33
Wyoming penitentiary, relative to enlarging.....	157	31
Secretary of War:		
Communications from—		
Army, annual report on expenditure of contingent fund of.....	77	30
Army and Navy hospital at Hot Springs, relative to.....	296	35
Army transportation, relative to appropriation for.....	192	33
Artillery school, relative to erecting building for.....	171	31
relative to pay of enlisted men employed at.....	108	30
Artillery light batteries, relative to organization of.....	115	30
Balances, report of balances on books of War Department.....	133	31
Block Island, relative to submarine cable at.....	197	33
Boston Harbor, relative to repairing sea-wall in.....	136	31
District of Columbia water supply, relative to appropriation for.....	39	25
Fort Brady, relative to sale of.....	81	30
Fort Leavenworth, relative to encroachment of river at.....	121	31
Fort Monroe, plans and estimates for permanent wharf at.....	28	25
Fort Porter, estimate for rebuilding.....	130	31
Great Falls, on fishways at.....	272	33
Green and Barren River Navigation Company, relative to purchasing franchises of.....	152	31
Hennepin Canal, surveys of routes for.....	117	30
Leavenworth military prison, relative to application of appropriation for.....	200	33
Mileage, relative to.....	134	31
Military Academy, estimate of appropriations for.....	119	31
Military Academy, relative to appropriations for.....	135	31
Mississippi River Commission, supplemental report of.....	38	25
Missouri River Commission, report of.....	41	25
Olcott Harbor, New York, estimate for repairs at.....	228	33
Produce Exchange building, New York, relative to purchase of, for Army use.....	13	20
Public parks in District of Columbia, relative to regulations for.....	144	31
Rivers and harbors, report on survey of Saco River, Maine.....	37	25
report on survey of Muskingum River.....	48	25
relative to appropriations for.....	372	35

Subjects.	No.	Vol.
Secretary of War—Continued.		
Communications from—		
Rivers and harbors, survey of Saugatuck.....	76	30
survey of Arkansas River.....	90	30
survey of Wacissa River, Florida.....	82	30
survey of Pascagoula River, Florida.....	83	30
improvement of Galveston Harbor.....	85	30
improvement of Santee River, South Carolina.....	114	30
Saint Mary's Fall Canal, relative to improving.....	61	30
Signal Service, memorial of enlisted men relative to commutations.....	297	35
relative to appropriations for.....	248	33
relative to estimates of appropriations for.....	{ 92	30
	{ 175	33
Signal Service, map, relative to claim of American Graphic Company for publishing.....	183	33
South Pass, Mississippi River, relative to appropriations for continuing examinations of.....	75	30
relative to regulations for using.....	58	30
Substitutes, on employment of.....	165	31
Trust funds, report on.....	278	33
War Department, annual report on contingent expenditures of....	8	20
War Department library, relative to binding for.....	268	33
Willeys Point, N. Y., plans and estimates for buildings at.....	25	25
Securities, letter of Secretary of Treasury relative to destruction of mutilated.....	167	31
Shearman, George K., report of Secretary of Treasury on claim of.....	262	33
Shipping fees, message of President relative to House bill 4838 to abolish certain.....	277	33
Signal Service, estimate of additional appropriations for.....	120	31
letter of Secretary of War relative to estimates of appropriations for.....	{ 92	30
	{ 175	33
letter of Secretary of War relative to appropriations for memorial of enlisted men relative to commutation for fuel and quarters.....	248	33
report of Secretary of War on claim of American Graphic Company against.....	297	35
	183	33
Silver. (See Coins and Coinage.)		
Sinking Fund. (See Debt of United States.)		
Sioux Indians. (See Indians.)		
Sitting Bull (<i>Indian</i>), letter of Secretary of State relative to claim of J. L. Legaré in securing surrender of.....	356	35
Smith, Abigail, message of President vetoing bill (H. R. 3019) increasing pension of.....	227	33
South American Commission, report of.....	50	25
South Pass. (See Mississippi River.)		
Springfield, Mo., message of President vetoing bill (H. R. 1391) to erect public building at.....	364	35
Stapleton, Robert H., message of President vetoing bill (H. R. 4797) to pension.....	343	35
Starr, William H., message of President vetoing bill (H. R. 6718) to pension.....	298	35
State Department. (See Department of State).....		
Statistical abstract, annual report of.....	26	25
Steam vessels, letter of Secretary of Treasury relative to appointment of watchmen on.....	63	30
letter of Secretary of Treasury to amending laws for inspection of.....	359	35
letter of Secretary of Treasury relative to laws governing construction of boilers for.....	55	30
Steward, Jackson, message of President vetoing bill (H. R. 7979) to pension.....	321	35
Stills, letter of Secretary of Treasury relative to drawbacks on exports of.....	46	25
Switzerland, report of Secretary of State on manufacture of milk-sugar in.....	188	33
Symons, Thomas, letter of Attorney-General relative to claim of.....	177	33

Subjects.	No.	Vol.
T.		
Tariff. (<i>See</i> Import duties.)		
Taylor, John, message of President vetoing bill (H. R. 3826) to pension	287	35
Testing machine. (<i>See</i> Iron and steel tests.)		
Thomas, Thomas, letter of Secretary of Treasury relative to refunding fine to	258	33
Tiller, C. W., message of President vetoing bill (H. R. 4002) to pension	288	35
Tillman, Hezekiah, message of President vetoing bill (H. R. 7614) to increase pension of	307	35
Tobacco, report of Secretary of State on taxation by Holland of exports of	179	33
Tokio, Japan, estimate of appropriation for rental of legation buildings at	213	33
Tonnage duties, report of Secretary of State on claims of foreign Governments relative to	132	31
Travers, Alice E., message of President vetoing bill (H. R. 6752) to pension	323	35
Treasury Department, annual report on contingent expenditures of	10	20
estimate of deficiency appropriations for custodians and janitors in	199	33
estimate of appropriation for improving sanitary condition of	219	33
estimate of appropriations for printing for	95	30
letter of Secretary relative to salaries in Register's office	99	30
letter of Secretary relative to applying unexpended appropriations to deficiencies	237	33
letter of Secretary relative to salary of Deputy Comptroller of Currency	103	30
letter of Secretary recommending additional clerk in disbursing office of	260	33
Trust funds, report of Secretary of Navy on	264	33
Attorney-General on	271	33
Secretary of War on	278	33
Postmaster-General on	330	35
Secretary of Interior on	168	31
Secretary of State on	362	35
Secretary of Treasury on	293	35
Tuttle, Joseph, message of President vetoing bill (H. R. 7109) to pension	308	35
Two Harbors, Minnesota, estimate for light station at	203	33
U.		
Utah, estimate for furniture for office of governor of	257	33
V.		
Van Etten, Mary A., message of President vetoing bill (H. R. 6170) to pension	326	35
W.		
Waeissa River, Florida, report of engineers on survey of	82	30
Wagon roads. (<i>See</i> Oregon.)		
War Department, annual report on contingent expenditures	8	20
letter of Secretary of War relative to binding for library of	268	33
report of balances due to and from United States on books of	133	30
Washington navy-yard, report of Secretary of Navy on ordnance shops in	139	30
Weil, Benjamin, report of Secretary of State on claim of	284	35
West, Sallie, message of President vetoing bill (H. R. 7222) to pension	313	35

Subjects.	No.	Vol.
Wichita, Kans., letter of Secretary of Treasury relative to appropriation for building at.....	208	33
Willeys Point, New York, plans and estimates for buildings at.....	25	25
Wilson, Andrew J., message of President vetoing bill (H. R. 7108) to pension	299	35
Witnesses. (<i>See Courts of United States.</i>)		
Woodson, Mary S., message of President vetoing bill (H. R. 7073) to pension	314	35
Wyoming, letter of Secretary of Treasury relative to enlargement of penitentiary in.....	157	31

PAPERS

RELATING TO THE

FOREIGN RELATIONS

OF

THE UNITED STATES,

TRANSMITTED TO CONGRESS,

WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

DECEMBER 8, 1885,

PRECEDED BY A

LIST OF PAPERS, WITH AN ANALYSIS OF THEIR CONTENTS, AND
FOLLOWED BY AN ALPHABETICAL INDEX OF SUBJECTS.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1886.

MESSAGE.

To the Congress of the United States :

Your assembling is clouded by a sense of public bereavement, caused by the recent and sudden death of Thomas A. Hendricks, Vice-President of the United States. His distinguished public services, his complete integrity and devotion to every duty, and his personal virtues will find honorable record in his country's history.

Ample and repeated proofs of the esteem and confidence in which he was held by his fellow-countrymen were manifested by his election to offices of the most important trust and highest dignity; and at length, full of years and honors, he has been laid at rest amid universal sorrow and benediction.

The Constitution which requires those chosen to legislate for the people to annually meet in the discharge of their solemn trust, also requires the President to give to Congress information of the state of the Union and recommend to their consideration such measures as he shall deem necessary and expedient. At the threshold of a compliance with these constitutional directions, it is well for us to bear in mind that our usefulness to the people's interests will be promoted by a constant appreciation of the scope and character of our respective duties as they relate to Federal legislation. While the Executive may recommend such measures as he shall deem expedient, the responsibility for legislative action must and should rest upon those selected by the people to make their laws.

Contemplation of the grave and responsible functions assigned to the respective branches of the Government under the Constitution, will disclose the partitions of power between our respective Departments and their necessary independence, and also the need for the exercise of all the power entrusted to each, in that spirit of comity and co-operation which is essential to the proper fulfillment of the patriotic obligations which rest upon us as faithful servants of the people.

The jealous watchfulness of our constituencies, great and small, supplements their suffrages, and before the tribunal they establish every public servant should be judged.

It is gratifying to announce that the relations of the United States with all foreign powers continue to be friendly. Our position after nearly a century of successful constitutional government, maintenance of good faith in all our engagements, the avoidance of complications with other nations, and our consistent and amicable attitude toward the strong and weak alike, furnish proof of a political disposition which

renders professions of good will unnecessary. There are no questions of difficulty pending with any foreign government.

The Argentine Government has revived the long dormant question of the Falkland Islands, by claiming from the United States indemnity for their loss, attributed to the action of the commander of the sloop-of-war Lexington in breaking up a piratical colony on those islands in 1831, and their subsequent occupation by Great Britain. In view of the ample justification for the act of the Lexington and the derelict condition of the islands before and after their alleged occupation by Argentine colonists this Government considers the claim as wholly groundless.

Question has arisen with the Government of Austria-Hungary touching the representation of the United States at Vienna. Having, under my constitutional prerogative, appointed an estimable citizen of unimpeached probity and competence as minister at that court, the Government of Austria-Hungary invited this Government to take cognizance of certain exceptions, based upon allegations against the personal acceptability of Mr. Keiley, the appointed envoy, asking that, in view thereof, the appointment should be withdrawn. The reasons advanced were such as could not be acquiesced in, without violation of my oath of office and the precepts of the Constitution, since they necessarily involved a limitation in favor of a foreign government upon the right of selection by the Executive, and required such an application of a religious test as a qualification for office under the United States as would have resulted in the practical disfranchisement of a large class of our citizens and the abandonment of a vital principle in our Government. The Austro-Hungarian Government finally decided not to receive Mr. Keiley as the envoy of the United States, and that gentleman has since resigned his commission, leaving the post vacant. I have made no new nomination, and the interests of this Government at Vienna are now in the care of the secretary of legation, acting as *chargé d'affaires ad interim*.

Early in March last, war broke out in Central America, caused by the attempt of Guatemala to consolidate the several states into a single government. In these contests between our neighboring states the United States forebore to interfere actively, but lent the aid of their friendly offices in deprecation of war and to promote peace and concord among the belligerents, and by such counsel contributed importantly to the restoration of tranquillity in that locality.

Emergencies growing out of civil war in the United States of Colombia demanded of the Government at the beginning of this administration the employment of armed forces to fulfill its guaranties under the thirty-fifth article of the treaty of 1846, in order to keep the transit

open across the Isthmus of Panama. Desirous of exercising only the powers expressly reserved to us by the treaty, and mindful of the rights of Colombia, the forces sent to the Isthmus were instructed to confine their action to "positively and efficaciously" preventing the transit and its accessories from being "interrupted or embarrassed."

The execution of this delicate and responsible task necessarily involved police control where the local authority was temporarily powerless, but always in aid of the sovereignty of Colombia.

The prompt and successful fulfillment of its duty by this Government was highly appreciated by the Government of Colombia, and has been followed by expressions of its satisfaction.

High praise is due to the officers and men engaged in this service.

The restoration of peace on the Isthmus by the re-establishment of the constituted government there being thus accomplished, the forces of the United States were withdrawn.

Pending these occurrences a question of much importance was presented by decrees of the Colombian Government, proclaiming the closure of certain ports then in the hands of insurgents, and declaring vessels held by the revolutionists to be piratical and liable to capture by any power. To neither of these propositions could the United States assent. An effective closure of ports not in the possession of the government, but held by hostile partisans, could not be recognized; neither could the vessels of insurgents against the legitimate sovereignty be deemed *hostes humani generis* within the precepts of international law, whatever might be the definition and penalty of their acts under the municipal law of the state against whose authority they were in revolt. The denial by this Government of the Colombian propositions did not, however, imply the admission of a belligerent status on the part of the insurgents.

The Colombian Government has expressed its willingness to negotiate conventions for the adjustment by arbitration of claims by foreign citizens arising out of the destruction of the city of Aspinwall by the insurrectionary forces.

The interest of the United States in a practicable transit for ships across the strip of land separating the Atlantic from the Pacific has been repeatedly manifested during the last half century.

My immediate predecessor caused to be negotiated with Nicaragua a treaty for the construction, by and at the sole cost of the United States, of a canal through Nicaraguan territory, and laid it before the Senate. Pending the action of that body thereon, I withdrew the treaty for re-examination. Attentive consideration of its provisions leads me to withhold it from resubmission to the Senate.

Maintaining, as I do, the tenets of a line of precedents from Washington's day, which proscribe entangling alliances with foreign states,

I do not favor a policy of acquisition of new and distant territory or the incorporation of remote interests with our own.

The laws of progress are vital and organic, and we must be conscious of that irresistible tide of commercial expansion which, as the concomitant of our active civilization, day by day, is being urged onward by those increasing facilities of production, transportation, and communication to which steam and electricity have given birth; but our duty in the present instructs us to address ourselves mainly to the development of the vast resources of the great area committed to our charge, and to the cultivation of the arts of peace within our own borders, though jealously alert in preventing the American hemisphere from being involved in the political problems and complications of distant governments. Therefore, I am unable to recommend propositions involving paramount privileges of ownership or right outside of our own territory, when coupled with absolute and unlimited engagements to defend the territorial integrity of the state where such interests lie. While the general project of connecting the two oceans by means of a canal is to be encouraged, I am of opinion that any scheme to that end to be considered with favor should be free from the features alluded to.

The Tehuantepec route is declared, by engineers of the highest repute and by competent scientists, to afford an entirely practicable transit for vessels and cargoes, by means of a ship-railway, from the Atlantic to the Pacific. The obvious advantages of such a route, if feasible, over others more remote from the axial lines of traffic between Europe and the Pacific, and, particularly, between the valley of the Mississippi and the western coast of North and South America, are deserving of consideration.

Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. An engagement combining the construction, ownership, and operation of such a work by this Government, with an offensive and defensive alliance for its protection, with the foreign state whose responsibilities and rights we would share, is, in my judgment, inconsistent with such dedication to universal and neutral use, and would, moreover, entail measures for its realization beyond the scope of our national polity or present means.

The lapse of years has abundantly confirmed the wisdom and foresight of those earlier administrations which, long before the conditions of maritime intercourse were changed and enlarged by the progress of the age, proclaimed the vital need of interoceanic transit across the American Isthmus and consecrated it in advance to the common use of mankind by their positive declarations and through the formal obligation of treaties. Toward such realization the efforts of my administration will be applied, ever bearing in mind the principles on which it must rest, and which

were declared in no uncertain tones by Mr. Cass, who, while Secretary of State, in 1858, announced that "What the United States want in Central America, next to the happiness of its people, is the security and neutrality of the interoceanic routes which lead through it."

The construction of three transcontinental lines of railway all in successful operation, wholly within our territory and uniting the Atlantic and the Pacific Oceans, has been accompanied by results of a most interesting and impressive nature, and has created new conditions, not in the routes of commerce only, but in political geography, which powerfully affect our relations toward, and necessarily increase our interests in, any transisthmian route which may be opened and employed for the ends of peace and traffic, or, in other contingencies, for uses inimical to both.

Transportation is a factor in the cost of commodities scarcely second to that of their production, and weighs as heavily upon the consumer.

Our experience already has proven the great importance of having the competition between land carriage and water carriage fully developed, each acting as a protection to the public against the tendencies to monopoly which are inherent in the consolidation of wealth and power in the hands of vast corporations.

These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

The drawings and report of a recent survey of the Nicaragua Canal route, made by Chief Engineer Menocal, will be communicated for your information.

The claims of citizens of the United States for losses by reason of the late military operations of Chile in Peru and Bolivia are the subject of negotiation for a claims convention with Chile, providing for their submission to arbitration.

The harmony of our relations with China is fully sustained.

In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers into the United States, individual cases of hardship have occurred beyond the power of the Executive to remedy, and calling for judicial determination.

The condition of the Chinese question in the Western States and Territories is, despite this restrictive legislation, far from being satisfactory. The recent outbreak in Wyoming Territory, where numbers of unoffending Chinamen, indisputably within the protection of the treaties and the law, were murdered by a mob, and the still more recent threatened outbreak of the same character in Washington Territory, are fresh in the minds of all, and there is apprehension lest the bitterness of feeling against the Mongolian race on the Pacific slope may find vent in simi-

lar lawless demonstrations. All the power of this Government should be exerted to maintain the amplest good faith toward China in the treatment of these men, and the inflexible sternness of the law in bringing the wrong-doers to justice should be insisted upon.

Every effort has been made by this Government to prevent these violent outbreaks and to aid the representatives of China in their investigation of these outrages; and it is but just to say that they are traceable to the lawlessness of men not citizens of the United States engaged in competition with Chinese laborers.

Race prejudice is the chief factor in originating these disturbances, and it exists in a large part of our domain, jeopardizing our domestic peace and the good relationship we strive to maintain with China.

The admitted right of a government to prevent the influx of elements hostile to its internal peace and security may not be questioned, even where there is no treaty stipulation on the subject. That the exclusion of Chinese labor is demanded in other countries where like conditions prevail is strongly evidenced in the Dominion of Canada, where Chinese immigration is now regulated by laws more exclusive than our own. If existing laws are inadequate to compass the end in view, I shall be prepared to give earnest consideration to any further remedial measures, within the treaty limits, which the wisdom of Congress may devise.

The Independent State of the Congo has been organized as a government, under the sovereignty of His Majesty the King of the Belgians, who assumes its chief magistracy in his personal character only, without making the new State a dependency of Belgium. It is fortunate that a benighted region, owing all it has of quickening civilization to the beneficence and philanthropic spirit of this monarch, should have the advantage and security of his benevolent supervision.

The action taken by this Government last year in being the first to recognize the flag of the International Association of the Congo has been followed by formal recognition of the new nationality which succeeds to its sovereign powers.

A conference of delegates of the principal commercial nations was held at Berlin last winter to discuss methods whereby the Congo Basin might be kept open to the world's trade. Delegates attended on behalf of the United States on the understanding that their part should be merely deliberative, without imparting to the results any binding character, so far as the United States were concerned. This reserve was due to the indisposition of this Government to share in any disposal by an international congress of jurisdictional questions in remote foreign territories. The results of the conference were embodied in a formal act of the nature of an international convention, which laid down certain obligations purporting to be binding on the signatories, subject to ratification within one year. Notwithstanding the reservation under

which the delegates of the United States attended, their signatures were attached to the general act in the same manner as those of the plenipotentiaries of other governments, thus making the United States appear, without reserve or qualification, as signatories to a joint international engagement imposing on the signers the conservation of the territorial integrity of distant regions where we have no established interests or control.

This Government does not, however, regard its reservation of liberty of action in the premises as at all impaired; and holding that an engagement to share in the obligation of enforcing neutrality in the remote valley of the Congo would be an alliance whose responsibilities we are not in a position to assume, I abstain from asking the sanction of the Senate to that general act.

The correspondence will be laid before you, and the instructive and interesting report of the agent sent by this Government to the Congo country, and his recommendations for the establishment of commercial agencies on the African coast are also submitted for your consideration.

The commission appointed by my predecessor last winter to visit the Central and South American countries and report on the methods of enlarging the commercial relations of the United States therewith has submitted reports, which will be laid before you.

No opportunity has been omitted to testify the friendliness of this Government toward Corea, whose entrance into the family of treaty powers the United States were the first to recognize. I regard with favor the application made by the Corean Government to be allowed to employ American officers as military instructors, to which the assent of Congress becomes necessary, and I am happy to say this request has the concurrent sanction of China and Japan.

The arrest and imprisonment of Julio R. Santos, a citizen of the United States, by the authorities of Ecuador, gave rise to a contention with that government, in which his right to be released or to have a speedy and impartial trial on announced charges and with all guaranties of defense stipulated by treaty was insisted upon by us. After an elaborate correspondence and repeated and earnest representations on our part Mr. Santos was, after an alleged trial and conviction, eventually included in a general decree of amnesty and pardoned by the Ecuadorian Executive and released, leaving the question of his American citizenship denied by the Ecuadorian Government but insisted upon by our own.

The amount adjudged by the late French and American Claims Commission to be due from the United States to French claimants on account of injuries suffered by them during the war of secession, having been appropriated by the last Congress, has been duly paid to the French Government.

The act of February 25, 1885, provided for a preliminary search of the records of French prize courts for evidence bearing on the claims of American citizens against France for spoliations committed prior to 1801. The duty has been performed, and the report of the agent will be laid before you.

I regret to say that the restrictions upon the importation of our pork into France continue, notwithstanding the abundant demonstration of the absence of sanitary danger in its use; but I entertain strong hopes that, with a better understanding of the matter, this vexatious prohibition will be removed. It would be pleasing to be able to say as much with respect to Germany, Austria, and other countries, where such food-products are absolutely excluded, without present prospect of reasonable change.

The interpretation of our existing treaties of naturalization by Germany during the past year has attracted attention by reason of an apparent tendency on the part of the Imperial Government to extend the scope of the residential restrictions to which returning naturalized citizens of German origin are asserted to be liable under the laws of the empire. The temperate and just attitude taken by this Government with regard to this class of questions will doubtless lead to a satisfactory understanding.

The dispute of Germany and Spain relative to the domination of the Caroline Islands has attracted the attention of this Government, by reason of extensive interests of American citizens having grown up in those parts during the past thirty years, and because the question of ownership involves jurisdiction of matters affecting the status of our citizens under civil and criminal law. Whilst standing wholly aloof from the proprietary issues raised between powers to both of which the United States are friendly, this Government expects that nothing in the present contention shall unfavorably affect our citizens carrying on a peaceful commerce or there domiciled, and has so informed the Governments of Spain and Germany.

The marked good will between the United States and Great Britain has been maintained during the past year.

The termination of the fishing clauses of the treaty of Washington, in pursuance of the joint resolution of March 3, 1883, must have resulted in the abrupt cessation on the 1st of July of this year, in the midst of their ventures, of the operations of citizens of the United States engaged in fishing in British-American waters, but for a diplomatic understanding reached with Her Majesty's Government in June last, whereby assurance was obtained that no interruption of those operations should take place during the current fishing season.

In the interest of good neighborhood and of the commercial intercourse of adjacent communities, the question of the North American fisheries is one of much importance. Following out the intimation given by me when the extensory arrangement above described was negotiated, I recommend that the Congress provide for the appointment of a commission in which the Governments of the United States and Great Britain shall be respectively represented, charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coasts of the United States and British North America. The fishing interests being intimately related to other general questions dependent upon contiguity and intercourse, consideration thereof, in all their equities, might also properly come within the purview of such a commission, and the fullest latitude of expression on both sides should be permitted.

The correspondence in relation to the fishing rights will be submitted.

The Arctic exploring steamer *Alert*, which was generously given by Her Majesty's Government to aid in the relief of the Greely expedition, was, after the successful attainment of that humane purpose, returned to Great Britain, in pursuance of the authority conferred by the act of March 3, 1885.

The inadequacy of the existing engagements for extradition between the United States and Great Britain has been long apparent. The tenth article of the Treaty of 1842, one of the earliest compacts in this regard entered into by us, stipulated for surrender in respect of a limited number of offenses. Other crimes, no less inimical to the social welfare, should be embraced, and the procedure of extradition brought in harmony with present international practice. Negotiations with Her Majesty's Government for an enlarged treaty of extradition have been pending since 1870, and I entertain strong hopes that a satisfactory result may be soon attained.

The frontier line between Alaska and British Columbia, as defined by the treaty of cession with Russia, follows the demarkation assigned in a prior treaty between Great Britain and Russia. Modern exploration discloses that this ancient boundary is impracticable as a geographical fact. In the unsettled condition of that region the question has lacked importance, but the discovery of mineral wealth in the territory the line is supposed to traverse, admonishes that the time has come when an accurate knowledge of the boundary is needful to avert jurisdictional complications. I recommend, therefore, that provision be made for a preliminary reconnaissance by officers of the United States, to the end of acquiring more precise information on the subject. I have invited Her Majesty's Government to consider with us the adoption of a more convenient line, to be established by meridian observations or by known

geographical features without the necessity of an expensive survey of the whole.

The late insurrectionary movements in Hayti having been quelled, the government of that republic has made prompt provision for adjudicating the losses suffered by foreigners because of hostilities there, and the claims of certain citizens of the United States will be in this manner determined.

The long pending claims of two citizens of the United States, Pelle-tier and Lazare, have been disposed of by arbitration, and an award, in favor of each claimant, has been made, which, by the terms of the engagement, is final. It remains for Congress to provide for the payment of the stipulated moiety of the expenses.

A question arose with Hayti during the past year, by reason of the exceptional treatment of an American citizen, Mr. Van Bokkelen, a resident of Port-au-Prince, who, on suit by creditors residing in the United States, was sentenced to imprisonment, and, under the operation of a Haytian statute was denied relief secured to a native Haytian. This Government asserted his treaty right to equal treatment with natives of Hayti in all suits at law. Our contention was denied by the Haytian Government, which, however, while still professing to maintain the ground taken against Mr. Van Bokkelen's right, terminated the controversy by setting him at liberty without explanation.

An international conference to consider the means of arresting the spread of cholera and other epidemic diseases was held at Rome in May last, and adjourned to meet again on further notice. An expert delegate on behalf of the United States has attended its sessions and will submit a report.

Our relations with Mexico continue to be most cordial, as befits those of neighbors between whom the strongest ties of friendship and commercial intimacy exist, as the natural and growing consequence of our similarity of institutions and geographical propinquity.

The relocation of the boundary line between the United States and Mexico, westward of the Rio Grande, under the convention of July 29, 1882, has been unavoidably delayed; but I apprehend no difficulty in securing a prolongation of the period for its accomplishment.

The lately concluded commercial treaty with Mexico still awaits the stipulated legislation to carry its provisions into effect, for which one year's additional time has been secured by a supplementary article signed in February last and since ratified on both sides.

As this convention, so important to the commercial welfare of the two adjoining countries, has been constitutionally confirmed by the

treaty-making branch, I express the hope that legislation needed to make it effective may not be long delayed.

The large influx of capital and enterprise to Mexico from the United States continues to aid in the development of the resources and in augmenting the material well-being of our sister republic. Lines of railway, penetrating to the heart and capital of the country, bring the two peoples into mutually beneficial intercourse, and enlarged facilities of transit add to profitable commerce, create new markets, and furnish avenues to otherwise isolated communities.

I have already adverted to the suggested construction of a ship-railway across the narrow formation of the territory of Mexico at Tehuantepec.

With the gradual recovery of Peru from the effects of her late disastrous conflict with Chile and with the restoration of civil authority in that distracted country, it is hoped that pending war claims of our citizens will be adjusted.

In conformity with notification given by the Government of Peru, the existing treaties of commerce and extradition between the United States and that country will terminate March 31, 1886.

Our good relationship with Russia continues.

An officer of the Navy, detailed for the purpose, is now on his way to Siberia, bearing the testimonials voted by Congress to those who generously succored the survivors of the unfortunate Jeannette expedition.

It is gratifying to advert to the cordiality of our intercourse with Spain.

The long pending claim of the owners of the ship *Masonic*, for loss suffered through the admitted dereliction of the Spanish authorities in the Philippine Islands, has been adjusted by arbitration, and an indemnity awarded. The principle of arbitration in such cases, to which the United States have long and consistently adhered, thus receives a fresh and gratifying confirmation.

Other questions with Spain have been disposed of, or are under diplomatic consideration with a view to just and honorable settlement.

The operation of the commercial agreement with Spain, of January 2-February 13, 1884, has been found inadequate to the commercial needs of the United States and the Spanish Antilles, and the terms of the agreement are subjected to conflicting interpretations in those islands.

Negotiations have been instituted at Madrid for a full treaty, not open to these objections, and in the line of the general policy touching the neighborly intercourse of proximate communities, to which I

elsewhere advert, and aiming moreover at the removal of existing burdens and annoying restrictions; and although a satisfactory termination is promised, I am compelled to delay its announcement.

An international copyright conference was held at Berne in September, on the invitation of the Swiss Government. The envoy of the United States attended as a delegate, but refrained from committing this Government to the results, even by signing the recommendatory protocol adopted. The interesting and important subject of international copyright has been before you for several years. Action is certainly desirable to effect the object in view. And while there may be question as to the relative advantage of treating it by legislation or by specific treaty, the matured views of the Berne conference cannot fail to aid your consideration of the subject.

The termination of the commercial treaty of 1862 between the United States and Turkey has been sought by that Government. While there is question as to the sufficiency of the notice of termination given, yet as the commercial rights of our citizens in Turkey come under the favored-nation guaranties of the prior treaty of 1830, and as equal treatment is admitted by the Porte, no inconvenience can result from the assent of this Government to the revision of the Ottoman tariffs, in which the treaty powers have been invited to join.

Questions concerning our citizens in Turkey may be affected by the Porte's non-acquiescence in the right of expatriation and by the imposition of religious tests as a condition of residence, in which this Government cannot concur. The United States must hold, in their intercourse with every power, that the status of their citizens is to be respected and equal civil privileges accorded to them without regard to creed, and affected by no considerations save those growing out of domiciliary return to the land of original allegiance, or of unfulfilled personal obligations which may survive, under municipal laws, after such voluntary return.

The negotiation with Venezuela, relative to the rehearing of the awards of the Mixed Commission constituted under the treaty of 1866, was resumed in view of the recent acquiescence of the Venezuelan envoy in the principal point advanced by this Government that the effects of the old treaty could only be set aside by the operation of a new convention. A result in substantial accord with the advisory suggestions contained in the joint resolution of March 3, 1883, has been agreed upon and will shortly be submitted to the Senate for ratification.

Under section 3659 of the Revised Statutes, all funds held in trust by the United States and the annual interest accruing thereon, when not otherwise required by treaty, are to be invested in stocks of the United

States bearing a rate of interest not less than five per centum per annum. There being now no procurable stocks paying so high a rate of interest, the letter of the statute is at present inapplicable, but its spirit is subserved by continuing to make investments of this nature in current stocks bearing the highest interest now paid. The statute, however, makes no provision for the disposal of such accretions. It being contrary to the general rule of this Government to allow interest on claims, I recommend the repeal of the provision in question, and the disposition, under a uniform rule, of the present accumulations from investment of trust funds

The inadequacy of existing legislation touching citizenship and naturalization demands your consideration.

While recognizing the right of expatriation, no statutory provision exists providing means for renouncing citizenship by an American citizen, native-born or naturalized, nor for terminating and vacating an improper acquisition of citizenship. Even a fraudulent decree of naturalization cannot now be canceled. The privilege and franchise of American citizenship should be granted with care, and extended to those only who intend in good faith to assume its duties and responsibilities when attaining its privileges and benefits; it should be withheld from those who merely go through the forms of naturalization with the intent of escaping the duties of their original allegiance without taking upon themselves those of their new status, or who may acquire the rights of American citizenship for no other than a hostile purpose towards their original governments. These evils have had many flagrant illustrations.

I regard with favor the suggestion put forth by one of my predecessors that provision be made for a central bureau of record of the decrees of naturalization granted by the various courts throughout the United States now invested with that power.

The rights which spring from domicile in the United States, especially when coupled with a declaration of intention to become a citizen, are worthy of definition by statute. The stranger coming hither with intent to remain, establishing his residence in our midst, contributing to the general welfare, and, by his voluntary act, declaring his purpose to assume the responsibilities of citizenship, thereby gains an inchoate status which legislation may properly define. The laws of certain States and Territories admit a domiciled alien to the local franchise, conferring on him the rights of citizenship to a degree which places him in the anomalous position of being a citizen of a State and yet not of the United States within the purview of Federal and international law.

It is important within the scope of national legislation to define this right of alien domicile as distinguished from Federal naturalization.

The commercial relations of the United States with their immediate neighbors and with important areas of traffic near our shores, suggest especially liberal intercourse between them and us.

Following the treaty of 1883 with Mexico, which rested on the basis of a reciprocal exemption from customs duties, other similar treaties were initiated by my predecessor.

Recognizing the need of less obstructed traffic with Cuba and Porto Rico, and met by the desire of Spain to succor languishing interests in the Antilles, steps were taken to attain those ends by a treaty of commerce. A similar treaty was afterwards signed by the Dominican Republic. Subsequently overtures were made by Her Britannic Majesty's Government for a like mutual extension of commercial intercourse with the British West Indian and South American dependencies; but without result.

On taking office, I withdrew for re-examination the treaties signed with Spain and Santo Domingo, then pending before the Senate. The result has been to satisfy me of the inexpediency of entering into engagements of this character not covering the entire traffic.

These treaties contemplated the surrender by the United States of large revenues for inadequate considerations. Upon sugar alone duties were surrendered to an amount far exceeding all the advantages offered in exchange. Even were it intended to relieve our consumers, it was evident that, so long as the exemption but partially covered our importation, such relief would be illusory. To relinquish a revenue so essential seemed highly improvident at a time when new and large drains upon the Treasury were contemplated. Moreover, embarrassing questions would have arisen under the favored-nation clauses of treaties with other nations.

As a further objection, it is evident that tariff regulation by treaty diminishes that independent control over its own revenues which is essential for the safety and welfare of any government. Emergency calling for an increase of taxation may at any time arise, and no engagement with a foreign power should exist to hamper the action of the Government.

By the fourteenth section of the shipping act, approved June 26, 1884, certain reductions and contingent exemptions from tonnage dues were made as to vessels entering ports of the United States from any foreign port in North and Central America, the West India Islands, the Bahamas and Bermudas, Mexico, and the Isthmus as far as Aspinwall and Panama. The Governments of Belgium, Denmark, Germany, Portugal, and Sweden and Norway have asserted, under the favored-nation clause in their treaties with the United States, a claim to like treatment in respect of vessels coming to the United States from their home ports. This Government, however, holds that the privileges granted by the act are purely geographical, enuring to any vessel of any

foreign power that may choose to engage in traffic between this country and any port within the defined zone, and no warrant exists under the most-favored-nation clause for the extension of the privileges in question to vessels sailing to this country from ports outside the limitation of the act.

Undoubtedly the relations of commerce with our near neighbors, whose territories form so long a frontier line difficult to be guarded, and who find in our country, and equally offer to us, natural markets, demand special and considerate treatment. It rests with Congress to consider what legislative action may increase facilities of intercourse which contiguity makes natural and desirable.

I earnestly urge that Congress recast the appropriations for the maintenance of the diplomatic and consular service on a footing commensurate with the importance of our national interests. At every post where a representative is necessary, the salary should be so graded as to permit him to live with comfort. With the assignment of adequate salaries the so-called notarial extra-official fees, which our officers abroad are now permitted to treat as personal perquisites, should be done away with. Every act requiring the certification and seal of the officer should be taxable at schedule rates, and the fee therefor returned to the Treasury. By restoring these revenues to the public use the consular service would be self-supporting, even with a liberal increase of the present low salaries.

In further prevention of abuses, a system of consular inspection should be instituted.

The appointment of a limited number of secretaries of legation at large, to be assigned to duty wherever necessary, and in particular for temporary service at missions which for any cause may be without a head, should also be authorized.

I favor, also, authorization for the detail of officers of the regular service as military or naval attachés at legations.

Some foreign governments do not recognize the union of consular with diplomatic functions. Italy and Venezuela will only receive the appointee in one of his two capacities, but this does not prevent the requirement of a bond and submission to the responsibilities of an office whose duties he cannot discharge. The superadded title of consul-general should be abandoned at all missions.

I deem it expedient that a well devised measure for the reorganization of the extraterritorial courts in Oriental countries should replace the present system, which labors under the disadvantage of combining judicial and executive functions in the same office.

In several Oriental countries generous offers have been made of premises for housing the legations of the United States. A grant of land for

that purpose was made some years since by Japan, and has been referred to in the annual messages of my predecessor. The Siamese Government has made a gift to the United States of commodious quarters in Bangkok. In Corea the late minister was permitted to purchase a building from the government for legation use. In China, the premises rented for the legation are favored as to local charges. At Tangier, the house occupied by our representative has been for many years the property of this Government, having been given for that purpose in 1822 by the Sultan of Morocco. I approve the suggestion heretofore made, that, in view of the conditions of life and administration in the Eastern countries, the legation buildings in China, Japan, Corea, Siam, and perhaps Persia, should be owned and furnished by the Government, with a view to permanency and security. To this end I recommend that authority be given to accept the gifts adverted to in Japan and Siam, and to purchase in the other countries named, with provision for furniture and repairs. A considerable saving in rentals would result.

The World's Industrial Exposition, held at New Orleans last winter, with the assistance of the Federal Government, attracted a large number of foreign exhibits, and proved of great value in spreading among the concourse of visitors from Mexico and Central and South America a wider knowledge of the varied manufactures and productions of this country and their availability in exchange for the productions of those regions.

Past Congresses have had under consideration the advisability of abolishing the discrimination made by the tariff laws in favor of the works of American artists. The odium of the policy which subjects to a high rate of duty the paintings of foreign artists and exempts the productions of American artists residing abroad, and who receive gratuitously advantages and instruction, is visited upon our citizens engaged in art culture in Europe, and has caused them, with practical unanimity, to favor the abolition of such an ungracious distinction; and in their interest, and for other obvious reasons, I strongly recommend it.

The report of the Secretary of the Treasury fully exhibits the condition of the public finances and of the several branches of the Government connected with his Department. The suggestions of the Secretary relating to the practical operations of this important Department, and his recommendations in the direction of simplification and economy, particularly in the work of collecting customs duties, are especially urged upon the attention of Congress.

The ordinary receipts from all sources for the fiscal year ended June 30, 1885, were \$322,690,706.38. Of this sum \$181,471,939.34 was re-

ceived from customs and \$112,498,725.54 from internal revenue. The total receipts, as given above, were \$24,829,163.54 less than those for the year ended June 30, 1884. This diminution embraces a falling off of \$13,595,550.42 in the receipts from customs and \$9,687,346.97 in the receipts from internal revenue.

The total ordinary expenditures of the Government for the fiscal year were \$260,226,935.50, leaving a surplus in the Treasury at the close of the year of \$63,463,771.27. This is \$40,929,854.32 less than the surplus reported at the close of the previous year.

The expenditures are classified as follows:

For civil expenses	\$23,826,942	11
For foreign intercourse	5,439,609	11
For Indians	6,552,494	63
For pensions	56,102,267	49
For the military, including river and harbor improve- ments and arsenals	42,670,578	47
For the Navy, including vessels, machinery, and improve- ments of navy-yards	16,021,079	69
For interest on the public debt	51,386,256	47
For the District of Columbia	3,499,650	95
For miscellaneous expenditures, including public build- ings, light-houses, and collecting the revenue	54,728,056	21

The amount paid on the public debt during the fiscal year ended June 30, 1885, was \$45,993,235.43; and there has been paid since that date and up to November 1, 1885, the sum of \$369,828, leaving the amount of the debt at the last-named date \$1,514,475,860.47. There was, however, at that time in the Treasury, applicable to the general purposes of the Government, the sum of \$66,818,292.38.

The total receipts for the current fiscal year, ending June 30, 1886, ascertained to October 1, 1885, and estimated for the remainder of the year, are \$315,000,000. The expenditures ascertained and estimated for the same time are \$245,000,000, leaving a surplus at the close of the year estimated at \$70,000,000.

The value of the exports from the United States to foreign countries during the last fiscal year was as follows:

Domestic merchandise	\$726,682,946	00
Foreign merchandise	15,506,809	00
	742,189,755	00
Gold	8,477,892	00
Silver	33,753,633	00
	784,421,280	00

Some of the principal exports, with their values and the percentage they respectively bear to the total exportation, are given as follows:

Articles.	Value.	Percent- age.
Cotton and cotton manufactures.....	\$213,799,049	29.42
Breadstuffs	160,370,821	22.07
Provisions	107,332,456	14.77
Oils, mineral, vegetable, and animal.....	54,326,202	7.48
Tobacco and its manufactures	24,767,305	3.41
Wood and its manufactures	21,464,322	2.95

Our imports during the year were as follows:

Merchandise	\$579,580,053 80
Gold.....	26,691,696 00
Silver	16,550,627 00
	622,822,376 80

The following are given as prominent articles of imports during the year, with their values and the percentage they bear to the total importation:

Articles.	Value.	Percent- age.
Sugar and molasses.....	\$76,738,713	13.29
Coffee	46,723,318	8.09
Wool and its manufactures.....	44,656,482	7.73
Silk and its manufactures	40,393,002	6.99
Chemicals, dyes, drugs, and medicines	35,070,816	6.07
Iron and steel and their manufactures	34,563,689	5.98
Flax, hemp, jute, and their manufactures	32,854,874	5.69
Cotton and its manufactures	28,152,001	4.88
Hides and skins other than fur skins.....	20,586,443	3.56

Of the entire amount of duties collected 70 per cent. was collected from the following articles of import:

	Percentage.
Sugar and molasses	29
Wool and its manufactures.....	15
Silk and its manufactures.....	8
Iron and steel and their manufactures	7
Cotton manufactures	6
Flax, hemp, and jute, and their manufactures	5

The fact that our revenues are in excess of the actual needs of an economical administration of the Government, justifies a reduction in the amount exacted from the people for its support. Our Government is but the means established by the will of a free people, by which certain principles are applied which they have adopted for their benefit and protection; and it is never better administered and its true spirit is never better observed than when the people's taxation for its support is scrupulously limited to the actual necessity of expenditure, and distributed according to a just and equitable plan.

The proposition with which we have to deal is the reduction of the revenue received by the Government, and indirectly paid by the people from customs duties. The question of free trade is not involved, nor is there now any occasion for the general discussion of the wisdom or expediency of a protective system.

Justice and fairness dictate that in any modification of our present laws relating to revenue, the industries and interests which have been encouraged by such laws, and in which our citizens have large investments, should not be ruthlessly injured or destroyed. We should also deal with the subject in such manner as to protect the interests of American labor, which is the capital of our workingmen; its stability and proper remuneration furnish the most justifiable pretext for a protective policy.

Within these limitations a certain reduction should be made in our customs revenue. The amount of such reduction having been determined, the inquiry follows, where can it best be remitted and what articles can best be released from duty, in the interest of our citizens?

I think the reduction should be made in the revenue derived from a tax upon the imported necessities of life. We thus directly lessen the cost of living in every family of the land, and release to the people in every humble home a larger measure of the rewards of frugal industry.

During the year ended November 1, 1885, one hundred and forty-five national banks were organized, with an aggregate capital of \$16,938,000, and circulating notes have been issued to them amounting to \$4,274,910. The whole number of these banks in existence on the day above mentioned was 2,727.

The very limited amount of circulating notes issued by our national banks compared with the amount the law permits them to issue, upon a deposit of bonds for their redemption, indicates that the volume of our circulating medium may be largely increased through this instrumentality.

Nothing more important than the present condition of our currency and coinage can claim your attention.

Since February, 1878, the Government has, under the compulsory provisions of law, purchased silver bullion and coined the same at the rate of more than two millions of dollars every month. By this process up to the present date 215,759,431 silver dollars have been coined.

A reasonable appreciation of a delegation of power to the General Government would limit its exercise without express restrictive words, to the people's needs and the requirements of the public welfare.

Upon this theory, the authority to "coin money" given to Congress by the Constitution, if it permits the purchase by the Government of bullion for coinage in any event, does not justify such purchase and coinage to an extent beyond the amount needed for a sufficient circulating medium.

The desire to utilize the silver product of the country should not lead to a misuse or the perversion of this power.

The necessity for such an addition to the silver currency of the nation as is compelled by the silver-coinage act, is negated by the fact that up to the present time only about fifty millions of the silver dollars so coined have actually found their way into circulation, leaving more than one hundred and sixty-five millions in the possession of the Government, the custody of which has entailed a considerable expense for the construction of vaults for its deposit. Against this latter amount there are outstanding silver certificates amounting to about ninety-three millions of dollars.

Every month two millions of gold in the public Treasury are paid out for two millions or more of silver dollars, to be added to the idle mass already accumulated.

If continued long enough, this operation will result in the substitution of silver for all the gold the Government owns applicable to its general purposes. It will not do to rely upon the customs receipts of the Government to make good this drain of gold, because the silver thus coined having been made legal tender for all debts and dues, public and private, at times during the last six months 58 per cent. of the receipts for duties has been in silver or silver certificates, while the average within that period has been 20 per cent. The proportion of silver and its certificates received by the Government will probably increase as time goes on, for the reason that the nearer the period approaches when it will be obliged to offer silver in payment of its obligations, the greater inducement there will be to hoard gold against depreciation in the value of silver, or for the purpose of speculating.

This hoarding of gold has already begun.

When the time comes that gold has been withdrawn from circulation, then will be apparent the difference between the real value of the silver dollar and a dollar in gold, and the two coins will part company. Gold, still the standard of value, and necessary in our dealings with other countries, will be at a premium over silver; banks which have substituted gold for the deposits of their customers may pay them with silver bought with such gold, thus making a handsome profit; rich speculators will sell their hoarded gold to their neighbors who need it to liquidate their foreign debts, at a ruinous premium over silver, and the

laboring men and women of the land, most defenseless of all, will find that the dollar received for the wage of their toil has sadly shrunk in its purchasing power. It may be said that the latter result will be but temporary, and that ultimately the price of labor will be adjusted to the change; but even if this takes place the wage-worker cannot possibly gain, but must inevitably lose, since the price he is compelled to pay for his living will not only be measured in a coin heavily depreciated, and fluctuating and uncertain in its value, but this uncertainty in the value of the purchasing medium will be made the pretext for an advance in prices beyond that justified by actual depreciation.

The words uttered in 1834 by Daniel Webster in the Senate of the United States are true to-day: "The very man of all others who has the deepest interest in a sound currency, and who suffers most by mischievous legislation in money matters, is the man who earns his daily bread by his daily toil."

The most distinguished advocate of bimetallism, discussing our silver coinage, has lately written:

"No American citizen's hand has yet felt the sensation of cheapness, either in receiving or expending the silver-act dollars."

And those who live by labor or legitimate trade never will feel that sensation of cheapness. However plenty silver dollars may become, they will not be distributed as gifts among the people; and if the laboring man should receive four depreciated dollars where he now receives but two, he will pay in the depreciated coin more than double the price he now pays for all the necessities and comforts of life.

Those who do not fear any disastrous consequences arising from the continued compulsory coinage of silver as now directed by law, and who suppose that the addition to the currency of the country intended as its result, will be a public benefit, are reminded that history demonstrates that the point is easily reached in the attempt to float at the same time two sorts of money of different excellence, when the better will cease to be in general circulation. The hoarding of gold, which has already taken place, indicates that we shall not escape the usual experience in such cases. So if this silver coinage be continued we may reasonably expect that gold and its equivalent will abandon the field of circulation to silver alone. This, of course, must produce a severe contraction of our circulating medium, instead of adding to it.

It will not be disputed that any attempt on the part of the Government to cause the circulation of silver dollars worth eighty cents, side by side with gold dollars worth one hundred cents, even within the limit that legislation does not run counter to the laws of trade, to be successful must be seconded by the confidence of the people that both coins will retain the same purchasing power and be interchangeable at will. A special effort has been made by the Secretary of the Treasury to increase the amount of our silver coin in circulation; but the fact that a large share of the limited amount thus put out has soon returned

to the public Treasury in payment of duties, leads to the belief that the people do not now desire to keep it in hand; and this, with the evident disposition to hoard gold, gives rise to the suspicion that there already exists a lack of confidence among the people touching our financial processes. There is certainly not enough silver now in circulation to cause uneasiness; and the whole amount coined and now on hand might, after a time, be absorbed by the people without apprehension; but it is the ceaseless stream that threatens to overflow the land which causes fear and uncertainty.

What has been thus far submitted upon this subject relates almost entirely to considerations of a home nature, unconnected with the bearing which the policies of other nations have upon the question. But it is perfectly apparent that a line of action in regard to our currency cannot wisely be settled upon or persisted in, without considering the attitude on the subject of other countries with whom we maintain intercourse through commerce, trade, and travel. An acknowledgment of this fact is found in the act by virtue of which our silver is compulsorily coined. It provides that "the President shall invite the governments of the countries composing the Latin Union, so called, and of such other European nations as he may deem advisable, to join the United States in a conference to adopt a common ratio between gold and silver for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between these metals."

This conference absolutely failed, and a similar fate has awaited all subsequent efforts in the same direction. And still we continue our coinage of silver at a ratio different from that of any other nation. The most vital part of the silver-coinage act remains inoperative and unexecuted, and without an ally or friend, we battle upon the silver field in an illogical and losing contest.

To give full effect to the design of Congress on this subject I have made careful and earnest endeavor since the adjournment of the last Congress.

To this end I delegated a gentleman well instructed in fiscal science, to proceed to the financial centers of Europe, and, in conjunction with our ministers to England, France, and Germany, to obtain a full knowledge of the attitude and intent of those governments in respect of the establishment of such an international ratio as would procure free coinage of both metals at the mints of those countries and our own. By my direction our consul-general at Paris has given close attention to the proceedings of the congress of the Latin Union, in order to indicate our interest in its objects and report its action.

It may be said, in brief, as the result of these efforts, that the attitude of the leading powers remains substantially unchanged since the monetary conference of 1881, nor is it to be questioned that the views

of these governments are in each instance supported by the weight of public opinion.

The steps thus taken have therefore only more fully demonstrated the uselessness of further attempts at present, to arrive at any agreement on the subject with other nations.

In the mean time we are accumulating silver coin, based upon our own peculiar ratio, to such an extent, and assuming so heavy a burden to be provided for in any international negotiations, as will render us an undesirable party to any future monetary conference of nations.

It is a significant fact that four of the five countries composing the Latin Union mentioned in our coinage act, embarrassed with their silver currency, have just completed an agreement among themselves, that no more silver shall be coined by their respective governments, and that such as has been already coined and in circulation shall be redeemed in gold by the country of its coinage. The resort to this expedient by these countries, may well arrest the attention of those who suppose that we can succeed without shock or injury, in the attempt to circulate upon its merits, all the silver we may coin under the provisions of our silver-coinage act.

The condition in which our treasury may be placed by a persistence in our present course, is a matter of concern to every patriotic citizen who does not desire his Government to pay in silver such of its obligations as should be paid in gold. Nor should our condition be such as to oblige us, in a prudent management of our affairs, to discontinue the calling in and payment of interest-bearing obligations, which we have the right now to discharge and thus avoid the payment of further interest thereon.

The so-called debtor class, for whose benefit the continued compulsory coinage of silver is insisted upon, are not dishonest because they are in debt; and they should not be suspected of a desire to jeopardize the financial safety of the country, in order that they may cancel their present debts by paying the same in depreciated dollars. Nor should it be forgotten that it is not the rich nor the money-lender alone that must submit to such a readjustment, enforced by the Government and their debtors. The pittance of the widow and the orphan and the incomes of helpless beneficiaries of all kinds would be disastrously reduced. The depositors in savings banks and in other institutions which hold in trust the savings of the poor, when their little accumulations are scaled down to meet the new order of things, would, in their distress, painfully realize the delusion of the promise made to them that plentiful money would improve their condition.

We have now on hand all the silver dollars necessary to supply the present needs of the people and to satisfy those who from sentiment wish to see them in circulation; and if their coinage is suspended they can be readily obtained by all who desire them. If the need of more is at any time apparent their coinage may be renewed.

That disaster has not already overtaken us furnishes no proof that danger does not wait upon a continuation of the present silver coinage. We have been saved by the most careful management and unusual expedients, by a combination of fortunate conditions, and by a confident expectation that the course of the Government in regard to silver coinage would be speedily changed by the action of Congress.

Prosperity hesitates upon our threshold because of the dangers and uncertainties surrounding this question. Capital timidly shrinks from trade, and investors are unwilling to take the chance of the questionable shape in which their money will be returned to them, while enterprise halts at a risk against which care and sagacious management do not protect.

As a necessary consequence labor lacks employment, and suffering and distress are visited upon a portion of our fellow-citizens especially entitled to the careful consideration of those charged with the duties of legislation. No interest appeals to us so strongly for a safe and stable currency as the vast army of the unemployed.

I recommend the suspension of the compulsory coinage of silver dollars, directed by the law passed in February, 1878.

The Steamboat Inspection Service on the 30th day of June, 1885, was composed of one hundred and forty persons, including officers, clerks, and messengers. The expenses of the service over the receipts were \$138,822.22 during the fiscal year. The special inspection of foreign steam vessels, organized under a law passed in 1882, was maintained during the year at an expense of \$36,641.63. Since the close of the fiscal year reductions have been made in the force employed which will result in a saving during the current year of \$17,000 without affecting the efficiency of the service.

The Supervising Surgeon-General reports that during the fiscal year 41,714 patients have received relief through the Marine Hospital Service, of whom 12,803 were treated in hospitals and 28,911 at the dispensaries.

Active and effective efforts have been made, through the medium of this service, to protect the country against an invasion of cholera, which has prevailed in Spain and France, and the small-pox, which recently broke out in Canada.

The most gratifying results have attended the operations of the Life-Saving Service during the last fiscal year. The observance of the provision of law requiring the appointment of the force employed in this service to be made "solely with reference to their fitness, and without reference to their political or party affiliation," has secured the result which may confidently be expected in any branch of public employment where such a rule is applied. As a consequence, this service is composed of men well qualified for the performance of their dangerous and exceptionally important duties.

The number of stations in commission at the close of the year was

203. The number of disasters to vessels and craft of all kind within their field of action was 371. The number of persons endangered in such disasters was 2,439, of whom 2,428 were saved and only 11 lost. Other lives which were imperiled, though not by disasters to shipping, were also rescued, and a large amount of property was saved through the aid of this service. The cost of its maintenance during the year was \$828,474.43.

The work of the Coast and Geodetic Survey was, during the last fiscal year, carried on within the boundaries and off the coasts of thirty-two States, two Territories, and the District of Columbia. In July last certain irregularities were found to exist in the management of this bureau, which led to a prompt investigation of its methods. The abuses which were brought to light by this examination and the reckless disregard of duty and the interests of the Government, developed on the part of some of those connected with the service, made a change of superintendency and a few of its other officers necessary. Since the bureau has been in new hands an introduction of economies and the application of business methods have produced an important saving to the Government and a promise of more useful results.

This service has never been regulated by anything but the most indefinite legal enactments and the most unsatisfactory rules. It was many years ago sanctioned apparently for a purpose regarded as temporary and related to a survey of our coast. Having gained a place in the appropriations made by Congress, it has gradually taken to itself powers and objects not contemplated in its creation, and extended its operations, until it sadly needs legislative attention.

So far as a further survey of our coast is concerned, there seems to be a propriety in transferring that work to the Navy Department. The other duties now in charge of this establishment, if they cannot be profitably attached to some existing Department or other bureau, should be prosecuted under a law exactly defining their scope and purpose, and with a careful discrimination between the scientific inquiries which may properly be assumed by the Government and those which should be undertaken by State authority or by individual enterprise.

It is hoped that the report of the Congressional committee heretofore appointed to investigate this and other like matters will aid in the accomplishment of proper legislation on this subject.

The report of the Secretary of War is herewith submitted. The attention of Congress is invited to the detailed account which it contains of the administration of his Department, and his recommendations and suggestions for the improvement of the service.

The Army consisted, at the date of the last consolidated returns, of two thousand one hundred and fifty-four officers and twenty-four thousand seven hundred and five enlisted men.

The expenses of the Departments for the fiscal year ended June 30,

1885, including \$13,164,394.60 for public works and river and harbor improvements, were \$45,850,999.54.

Beside the troops which were dispatched in pursuit of the small band of Indians who left their reservation in Arizona and committed murders and outrages, two regiments of cavalry and one of infantry were sent last July to the Indian Territory to prevent an outbreak which seemed imminent. They remained to aid if necessary in the expulsion of intruders upon the reservation, who seemed to have caused the discontent among the Indians, but the Executive proclamation warning them to remove was complied with without their interference.

Troops were also sent to Rock Springs, in Wyoming Territory, after the massacre of Chinese there, to prevent further disturbance, and afterwards to Seattle, in Washington Territory, to avert a threatened attack upon Chinese laborers and domestic violence there. In both cases the mere presence of the troops had the desired effect.

It appears that the number of desertions has diminished, but that during the last fiscal year they numbered 2,927; and one instance is given by the Lieutenant-General of six desertions by the same recruit. I am convinced that this number of desertions can be much diminished by better discipline and treatment; but the punishment should be increased for repeated offenses.

These desertions might also be reduced by lessening the term of first enlistments, thus allowing a discontented recruit to contemplate a nearer discharge and the Army a profitable riddance. After one term of service a re-enlistment would be quite apt to secure a contented recruit and a good soldier.

The acting Judge-Advocate-General reports that the number of trials by general courts-martial during the year was 2,328, and that 11,851 trials took place before garrison and regimental courts-martial. The suggestion that probably more than half the Army have been tried for offenses, great and small, in one year, may well arrest attention. Of course many of these trials before garrison and regimental courts-martial were for offenses almost frivolous; and there should, I think, be a way devised to dispose of these in a more summary and less inconvenient manner than by court-martial.

If some of the proceedings of courts-martial which I have had occasion to examine present the ideas of justice which generally prevail in these tribunals, I am satisfied that they should be much reformed, if the honor and the honesty of the Army and Navy are by their instrumentality to be vindicated and protected.

The Board on Fortifications or other defenses, appointed in pursuance of the provisions of the act of Congress approved March 3, 1885, will in a short time present their report; and it is hoped that this may greatly aid the legislation so necessary to remedy the present defenseless condition of our sea-coasts.

The work of the Signal Service has been prosecuted during the last year

with results of increasing benefit to the country. The field of instruction has been enlarged with a view of adding to its usefulness. The number of stations in operation June 30, 1885, was 489. Telegraphic reports are received daily from 160 stations. Reports are also received from 25 Canadian stations, 375 volunteer observers, 52 Army surgeons at military posts, and 333 foreign stations. The expense of the service during the fiscal year, after deducting receipts from military telegraph lines, was \$792,592.97. In view of the fact referred to by the Secretary of War, that the work of this service ordinarily is of a scientific nature, and the further fact that it is assuming larger proportions constantly, and becoming more and more unsuited to the fixed rules which must govern the Army, I am inclined to agree with him in the opinion that it should be separately established. If this is done the scope and extent of its operations should, as nearly as possible, be definitely prescribed by law, and always capable of exact ascertainment.

The Military Academy at West Point is reported as being in a high state of efficiency, and well equipped for the satisfactory accomplishment of the purposes of its maintenance.

The fact that the class which graduates next year is an unusually large one has constrained me to decline to make appointments to second lieutenancies in the Army from civil life, so that such vacancies as exist in these places may be reserved for such graduates; and yet it is not probable that there will be enough vacancies to provide positions for them all when they leave the military school. Under the prevailing law and usage those not thus assigned to duty never actively enter the military service. It is suggested that the law on this subject be changed, so that such of these young men as are not at once assigned to duty after graduation, may be retained as second lieutenants in the Army if they desire it, subject to assignment when opportunity occurs, and under proper rules as to priority of selection.

The expenditures on account of the Military Academy for the last fiscal year, exclusive of the sum taken for its purposes from appropriations for the support of the Army, were \$290,712.07.

The act approved March 3, 1885, designed to compensate officers and enlisted men for loss of private property while in the service of the United States is so indefinite in its terms, and apparently admits so many claims, the adjustment of which could not have been contemplated, that if it is to remain upon the statute book it needs amendment.

There should be a general law of Congress prohibiting the construction of bridges over navigable waters in such manner as to obstruct navigation, with provisions for preventing the same. It seems that under existing statutes the Government cannot intervene to prevent such a construction when entered upon without its consent, though when such consent is asked and granted upon condition, the authority to insist upon such condition is clear. Thus it is represented that while the officers of the Government are with great care guarding against

the obstruction of navigation by a bridge across the Mississippi River at Saint Paul, a large pier for a bridge has been built just below this place directly in the navigable channel of the river. If such things are to be permitted a strong argument is presented against the appropriation of large sums of money to improve the navigation of this and other important highways of commerce.

The report of the Secretary of the Navy gives a history of the operations of his Department and the present condition of the work committed to his charge.

He details in full the course pursued by him to protect the rights of the Government in respect of certain vessels unfinished at the time of his accession to office, and also concerning the dispatch boat *Dolphin*, claimed to be completed and awaiting the acceptance of the Department. No one can fail to see from recitals contained in this report, that only the application of business principles has been insisted upon in the treatment of these subjects, and that whatever controversy has arisen, was caused by the exaction on the part of the Department of contract obligations as they were legally construed. In the case of the *Dolphin*, with entire justice to the contractor, an agreement has been entered into providing for the ascertainment, by a judicial inquiry, of the complete or partial compliance with the contract in her construction, and further providing for the assessment of any damages to which the Government may be entitled on account of a partial failure to perform such contract, or the payment of the sum still remaining unpaid upon her price, in case a full performance is adjudged.

The contractor, by reason of his failure in business, being unable to complete the other three vessels, they were taken possession of by the Government in their unfinished state under a clause in the contract permitting such a course, and are now in process of completion in the yard of the contractor, but under the supervision of the Navy Department.

Congress at its last session authorized the construction of two additional new cruisers and two gunboats, at a cost not exceeding in the aggregate \$2,995,000. The appropriation for this purpose having become available on the 1st day of July last, steps were at once taken for the procurement of such plans for the construction of these vessels as would be likely to insure their usefulness when completed. These are of the utmost importance, considering the constant advance in the art of building vessels of this character, and the time is not lost which is spent in their careful consideration and selection.

All must admit the importance of an effective Navy to a nation like ours, having such an extended sea-coast to protect.* And yet we have not a single vessel of war that could keep the seas against a first-class vessel of any important power. Such a condition ought not longer to continue. The nation that cannot resist aggression is constantly ex-

posed to it. Its foreign policy is of necessity weak, and its negotiations are conducted with disadvantage, because it is not in condition to enforce the terms dictated by its sense of right and justice.

Inspired, as I am, by the hope, shared by all patriotic citizens, that the day is not very far distant when our Navy will be such as befits our standing among the nations of the earth, and rejoiced at every step that leads in the direction of such a consummation, I deem it my duty to especially direct the attention of Congress to the close of the report of the Secretary of the Navy, in which the humiliating weakness of the present organization of his Department is exhibited, and the startling abuses and waste of its present methods are exposed. The conviction is forced upon us with the certainty of mathematical demonstration, that before we proceed further in the restoration of a Navy we need a thoroughly reorganized Navy Department. The fact that within seventeen years more than seventy-five millions of dollars have been spent in the construction, repair, equipment, and armament of vessels, and the further fact that, instead of an effective and creditable fleet, we have only the discontent and apprehension of a nation undefended by war vessels, added to the disclosures now made, do not permit us to doubt that every attempt to revive our Navy has thus far, for the most part, been misdirected, and all our efforts in that direction have been little better than blind gropings, and expensive, aimless follies.

Unquestionably if we are content with the maintenance of a Navy Department simply as a shabby ornament to the Government, a constant watchfulness may prevent some of the scandal and abuse which have found their way into our present organization, and its incurable waste may be reduced to the minimum. But if we desire to build ships for present usefulness instead of naval reminders of the days that are past, we must have a department organized for the work, supplied with all the talent and ingenuity our country affords, prepared to take advantage of the experience of other nations, systematized so that all effort shall unite and lead in one direction, and fully imbued with the conviction that war vessels, though new, are useless unless they combine all that the ingenuity of man has up to this day brought forth relating to their construction.

I earnestly commend the portion of the Secretary's report devoted to this subject to the attention of Congress, in the hope that his suggestions touching the reorganization of his Department may be adopted as the first step toward the reconstruction of our Navy.

The affairs of the postal service are exhibited by the report of the Postmaster-General, which will be laid before you.

The postal revenue, whose ratio of gain upon the rising prosperity of 1882 and 1883 outstripped the increasing expenses of our growing service, was checked by the reduction in the rate of letter postage, which took effect with the beginning of October in the latter year; and it dimin-

ished during the two past fiscal years \$2,790,000, in about the proportion of \$2,270,000 in 1884 to \$520,000 in 1885. Natural growth and development have meantime increased expenditure, resulting in a deficiency in the revenue to meet the expenses of the Department of five and a quarter million dollars for the year 1884, and eight and a third million in the last fiscal year. The anticipated and natural revival of the revenue has been oppressed and retarded by the unfavorable business condition of the country, of which the postal service is a faithful indicator. The gratifying fact is shown, however, by the report, that our returning prosperity is marked by a gain of \$380,000 in the revenue of the latter half of the last year over the corresponding period of the preceding year.

The change in the weight of first-class matter which may be carried for a single rate of postage, from a half ounce to an ounce, and the reduction by one-half of the rate of newspaper postage which, under recent legislation, begun with the current year, will operate to restrain the augmentation of receipts which otherwise might have been expected, to such a degree that the scale of expense may gain upon the revenue and cause an increased deficiency to be shown at its close. Yet after no long period of reawakened prosperity, by proper economy it is confidently anticipated, that even the present low rates, now as favorable as any country affords, will be adequate to sustain the cost of the service.

The operation of the Post-Office Department is for the convenience and benefit of the people; and the method by which they pay the charges of this useful arm of their public service, so that it be just and impartial, is of less importance to them than the economical expenditure of the means they provide for its maintenance, and the due improvement of its agencies, so that they may enjoy its highest usefulness.

A proper attention has been directed to the prevention of waste or extravagance, and good results appear from the report to have already been accomplished.

I approve the recommendation of the Postmaster-General to reduce the charges on domestic money-orders of five dollars and less from eight to five cents. This change will materially aid those of our people who most of all avail themselves of this instrumentality, but to whom the element of cheapness is of the greatest importance. With this reduction the system would still remain self-supporting.

The free-delivery system has been extended to 19 additional cities during the year, and 178 now enjoy its conveniences. Experience has commended it to those who enjoy its benefits, and further enlargement of its facilities is due to other communities to which it is adapted. In the cities where it has been established, taken together, the local postage exceeds its maintenance by nearly one million three hundred thousand dollars. The limit to which this system is now confined by law

has been nearly reached, and the reasons given justify its extension, which is proposed.

It was decided, with my approbation, after a sufficient examination, to be inexpedient for the Post-Office Department to contract for carrying our foreign mails under the additional authority given by the last Congress. The amount limited was inadequate to pay all within the purview of the law the full rate of fifty cents per mile, and it would have been unjust and unwise to have given it to some and denied it to others. Nor could contracts have been let under the law to all at a rate to have brought the aggregate within the appropriation, without such practical prearrangement of terms as would have violated it.

The rate of sea and inland postage, which was proffered under another statute, clearly appears to be a fair compensation for the desired service, being three times the price necessary to secure transportation by other vessels upon any route, and much beyond the charges made to private persons for services not less burdensome.

Some of the steamship companies, upon the refusal of the Postmaster-General to attempt, by the means provided, the distribution of the sum appropriated as an extra compensation, withdrew the services of their vessels and thereby occasioned slight inconvenience, though no considerable injury, the mails having been dispatched by other means.

Whatever may be thought of the policy of subsidizing any line of public conveyance or travel, I am satisfied that it should not be done under cover of an expenditure incident to the administration of a Department, nor should there be any uncertainty as to the recipients of the subsidy, or any discretion left to an executive officer as to its distribution. If such gifts of the public money are to be made for the purpose of aiding any enterprise, in the supposed interest of the public, I cannot but think that the amount to be paid, and the beneficiary, might better be determined by Congress than in any other way.

The international congress of delegates from the postal-union countries convened at Lisbon, in Portugal, in February last, and after a session of some weeks, the delegates signed a convention amendatory of the present postal-union convention in some particulars designed to advance its purposes. This additional act has had my approval and will be laid before you with the departmental report.

I approve the recommendation of the Postmaster-General that another assistant be provided for his Department. I invite your consideration to the several other recommendations contained in his report.

The report of the Attorney-General contains a history of the conduct of the Department of Justice during the last year, and a number of valuable suggestions as to needed legislation; and I invite your careful attention to the same.

The condition of business in the courts of the United States is such that there seems to be an imperative necessity for remedial legislation

on the subject. Some of these courts are so overburdened with pending causes that the delays in determining litigation amount often to a denial of justice. Among the plans suggested for relief is one submitted by the Attorney-General. Its main features are: The transfer of all the original jurisdiction of the circuit courts to the district courts and an increase of judges for the latter where necessary; an addition of judges to the circuit courts and constituting them exclusively courts of appeal, and reasonably limiting appeals thereto; further restrictions of the right to remove causes from the State to Federal courts; permitting appeals to the Supreme Court from the courts of the District of Columbia and the Territories only in the same cases as they are allowed from State courts, and guarding against an unnecessary number of appeals from the circuit courts.

I approve the plan thus outlined, and recommend the legislation necessary for its application to our judicial system.

The present mode of compensating United States marshals and district attorneys should in my opinion be changed. They are allowed to charge against the Government certain fees for services, their income being measured by the amount of such fees within a fixed limit as to their annual aggregate. This is a direct inducement for them to make their fees in criminal cases as large as possible in an effort to reach the maximum sum permitted. As an entirely natural consequence, unscrupulous marshals are found encouraging frivolous prosecutions, arresting people on petty charges of crime and transporting them to distant places for examination and trial, for the purpose of earning mileage and other fees. And district attorneys uselessly attend criminal examinations far from their places of residence, for the express purpose of swelling their accounts against the Government. The actual expenses incurred in these transactions are also charged against the Government.

Thus the rights and freedom of our citizens are outraged and public expenditures increased, for the purpose of furnishing public officers pretexts for increasing the measure of their compensation.

I think marshals and district attorneys should be paid salaries, adjusted by a rule which will make them commensurate with services fairly rendered.

In connection with this subject I desire to suggest the advisability, if it be found not obnoxious to constitutional objection, of investing United States commissioners with the power to try and determine certain violations of law within the grade of misdemeanors. Such trials might be made to depend upon the option of the accused. The multiplication of small and technical offenses, especially under the provisions of our internal-revenue law, render some change in our present system very desirable, in the interests of humanity as well as economy. The district courts are now crowded with petty prosecutions, involving a punishment, in cases of conviction, of only a slight fine, while the

parties accused are harrassed by an enforced attendance upon courts held hundreds of miles from their homes. If poor and friendless they are obliged to remain in jail during months, perhaps, that elapse before a session of the court is held, and are finally brought to trial surrounded by strangers and with but little real opportunity for defense. In the mean time frequently the marshal has charged against the Government his fees for an arrest, the transportation of the accused and the expense of the same, and for summoning witnesses before a commissioner, a grand jury, and a court; the witnesses have been paid from the public funds large fees and traveling expenses, and the commissioner and district attorney have also made their charges against the Government.

This abuse in the administration of our criminal law should be remedied; and if the plan above suggested is not practicable, some other should be devised.

The report of the Secretary of the Interior, containing an account of the operations of this important Department, and much interesting information, will be submitted for your consideration.

The most intricate and difficult subject in charge of this Department is the treatment and management of the Indians. I am satisfied that some progress may be noted in their condition as a result of a prudent administration of the present laws and regulations for their control.

But it is submitted that there is lack of a fixed purpose or policy on this subject, which should be supplied. It is useless to dilate upon the wrongs of the Indians, and as useless to indulge in the heartless belief that because their wrongs are revenged in their own atrocious manner, therefore they should be exterminated.

They are within the care of our Government, and their rights are, or should be, protected from invasion by the most solemn obligations. They are properly enough called the wards of the Government; and it should be borne in mind that this guardianship involves, on our part, efforts for the improvement of their condition and the enforcement of their rights. There seems to be general concurrence in the proposition that the ultimate object of their treatment should be their civilization and citizenship. Fitted by these to keep pace in the march of progress with the advanced civilization about them, they will readily assimilate with the mass of our population, assuming the responsibilities and receiving the protection incident to this condition.

The difficulty appears to be in the selection of the means to be at present employed toward the attainment of this result.

Our Indian population, exclusive of those in Alaska, is reported as numbering 260,000, nearly all being located on lands set apart for their use and occupation, aggregating over one hundred and thirty-four millions of acres. These lands are included in the boundaries of one hundred and seventy-one reservations of different dimensions, scattered in twenty-one States and Territories, presenting great variations in cli-

mate and in the kind and quality of their soils. Among the Indians upon these several reservations there exist the most marked differences in natural traits and disposition and in their progress toward civilization. While some are lazy, vicious, and stupid, others are industrious, peaceful, and intelligent; while a portion of them are self-supporting and independent, and have so far advanced in civilization that they make their own laws, administered through officers of their own choice, and educate their children in schools of their own establishment and maintenance, others still retain, in squalor and dependence, almost the savagery of their natural state.

In dealing with this question the desires manifested by the Indians should not be ignored. Here, again, we find a great diversity. With some the tribal relation is cherished with the utmost tenacity, while its hold upon others is considerably relaxed; the love of home is strong with all, and yet there are those whose attachment to a particular locality is by no means unyielding; the ownership of their lands in severalty is much desired by some, while by others, and sometimes among the most civilized, such a distribution would be bitterly opposed.

The variation of their wants, growing out of and connected with the character of their several locations, should be regarded. Some are upon reservations most fit for grazing, but without flocks or herds; and some, on arable land, have no agricultural implements; while some of the reservations are double the size necessary to maintain the number of Indians now upon them, in a few cases perhaps, they should be enlarged.

Add to all this the difference in the administration of the agencies. While the same duties are devolved upon all, the disposition of the agents, and the manner of their contact with the Indians, have much to do with their condition and welfare. The agent who perfunctorily performs his duty and slothfully neglects all opportunity to advance their moral and physical improvement, and fails to inspire them with a desire for better things, will accomplish nothing in the direction of their civilization; while he who feels the burden of an important trust, and has an interest in his work, will, by consistent example, firm yet considerate treatment, and well-directed aid and encouragement, constantly lead those under his charge toward the light of their enfranchisement.

The history of all the progress which has been made in the civilization of the Indian, I think will disclose the fact, that the beginning has been religious teaching, followed by or accompanying, secular education. While the self-sacrificing and pious men and women who have aided in this good work by their independent endeavor, have for their reward the beneficent results of their labor and the consciousness of Christian duty well performed, their valuable services should be fully acknowledged by all who, under the law, are charged with the control and management of our Indian wards.

What has been said indicates that in the present condition of the Indians, no attempt should be made to apply a fixed and unyielding plan of action to their varied and varying needs and circumstances.

The Indian Bureau, burdened as it is with their general oversight and with the details of the establishment, can hardly possess itself of the minute phases of the particular cases needing treatment; and thus the propriety of creating an instrumentality auxiliary to those already established for the care of the Indians suggests itself.

I recommend the passage of a law authorizing the appointment of six commissioners, three of whom shall be detailed from the Army, to be charged with the duty of a careful inspection from time to time of all the Indians upon our reservations or subject to the care and control of the Government, with a view of discovering their exact condition and needs, and determining what steps shall be taken on behalf of the Government to improve their situation in the direction of their self-support and complete civilization; that they ascertain from such inspection what, if any, of the reservations may be reduced in area, and in such cases what part, not needed for Indian occupation, may be purchased by the Government from the Indians, and disposed of for their benefit; what, if any, Indians may, with their consent, be removed to other reservations, with a view of their concentration and the sale on their behalf of their abandoned reservations; what Indian lands now held in common should be allotted in severalty; in what manner and to what extent the Indians upon the reservations can be placed under the protection of our laws and subjected to their penalties; and which, if any, Indians should be invested with the right of citizenship. The powers and functions of the commissioners in regard to these subjects should be clearly defined, though they should, in conjunction with the Secretary of the Interior, be given all the authority to deal definitely with the questions presented, deemed safe and consistent.

They should be also charged with the duty of ascertaining the Indians who might properly be furnished with implements of agriculture, and of what kind; in what cases the support of the Government should be withdrawn; where the present plan of distributing Indian supplies should be changed; where schools may be established, and where discontinued; the conduct, methods, and fitness of agents in charge of reservations; the extent to which such reservations are occupied or intruded upon by unauthorized persons; and generally all matters related to the welfare and improvement of the Indian.

They should advise with the Secretary of the Interior concerning these matters of detail in management, and he should be given power to deal with them fully, if he is not now invested with such power.

This plan contemplates the selection of persons for commissioners who are interested in the Indian question, and who have practical ideas upon the subject of their treatment.

The expense of the Indian Bureau during the last fiscal year was more than six and a half million dollars. I believe much of this expenditure might be saved under the plan proposed; that its economical effects would be increased with its continuance; that the safety of our frontier settlers would be subserved under its operation, and that the nation would be saved through its results from the imputation of inhumanity, injustice, and mismanagement.

In order to carry out the policy of allotment of Indian lands in severalty, when deemed expedient, it will be necessary to have surveys completed of the reservations, and I hope that provision will be made for the prosecution of this work.

In May of the present year a small portion of the Chiricahua Apaches on the White Mountain reservation in Arizona, left the reservation and committed a number of murders and depredations upon settlers in that neighborhood. Though prompt and energetic action was taken by the military, the renegades eluded capture and escaped into Mexico. The formation of the country through which these Indians passed, their thorough acquaintance with the same, the speed of their escape, and the manner in which they scattered and concealed themselves among the mountains near the scene of their outrages, put our soldiers at a great disadvantage in their efforts to capture them, though the expectation is still entertained that they will be ultimately taken and punished for their crimes.

The threatening and disorderly conduct of the Cheyennes in the Indian Territory early last summer caused considerable alarm and uneasiness. Investigation proved that their threatening attitude was due in a great measure to the occupation of the land of their reservation by immense herds of cattle, which their owners claimed were rightfully there under certain leases made by the Indians. Such occupation appearing upon examination to be unlawful, notwithstanding these leases, the intruders were ordered to remove with their cattle from the lands of the Indians by Executive proclamation. The enforcement of this proclamation had the effect of restoring peace and order among the Indians, and they are now quiet and well behaved.

By an Executive order issued on February 27, 1885, by my predecessor, a portion of the tract of country in the territory known as the Old Winnebago and Crow Creek reservations was directed to be restored to the public domain and opened to settlement under the land laws of the United States, and a large number of persons entered upon those lands. This action alarmed the Sioux Indians, who claimed the territory as belonging to their reservation under the treaty of 1868. This claim was determined, after careful investigation, to be well founded; and consequently the Executive order referred to was by proclamation of April 17, 1885, declared to be inoperative and of no effect, and all persons upon the land were warned to leave. This warning has been substantially complied with.

The public domain had its origin in cessions of land by the States to the General Government. The first cession was made by the State of New York, and the largest, which in area exceeded all the others, by the State of Virginia. The territory, the proprietorship of which became thus vested in the General Government, extended from the western line of Pennsylvania to the Mississippi River. These patriotic donations of the States were incumbered with no condition, except that they should be held and used "for the common benefit of the United States." By purchase, with the common fund of all the people, additions were made to this domain until it extended to the northern line of Mexico, the Pacific Ocean, and the Polar Sea. The original trust, "for the common benefit of the United States," attached to all. In the execution of that trust the policy of many homes, rather than large estates, was adopted by the Government. That these might be easily obtained, and be the abode of security and contentment, the laws for their acquisition were few, easily understood, and general in their character. But the pressure of local interests, combined with a speculative spirit, have in many instances procured the passage of laws which marred the harmony of the general plan, and encumbered the system with a multitude of general and special enactments, which render the land laws complicated, subject the titles to uncertainty, and the purchasers often to oppression and wrong. Laws which were intended for the "common benefit" have been perverted so that large quantities of land are vesting in single ownerships. From the multitude and character of the laws, this consequence seems incapable of correction by mere administration.

It is not for the "common benefit of the United States" that a large area of the public lands should be acquired, directly or through fraud, in the hands of a single individual. The Nation's strength is in the people. The Nation's prosperity is in their prosperity. The Nation's glory is in the equality of her justice. The Nation's perpetuity is in the patriotism of all her people. Hence, as far as practicable, the plan adopted in the disposal of the public lands should have in view the original policy, which encouraged many purchasers of these lands for homes and discouraged the massing of large areas. Exclusive of Alaska, about three-fifths of the national domain has been sold or subjected to contract or grant. Of the remaining two-fifths a considerable portion is either mountain or desert. A rapidly increasing population creates a growing demand for homes, and the accumulation of wealth inspires an eager competition to obtain the public land for speculative purposes. In the future this collision of interests will be more marked than in the past, and the execution of the Nation's trust in behalf of our settlers will be more difficult. I therefore commend to your attention the recommendations contained in the report of the Secretary of the Interior with reference to the repeal and modification of certain of our land laws.

The nation has made princely grants and subsidies to a system of railroads projected as great national highways to connect the Pacific States with the East. It has been charged that these donations from the people have been diverted to private gain and corrupt uses, and thus public indignation has been aroused and suspicion engendered. Our great nation does not begrudge its generosity, but it abhors speculation and fraud; and the favorable regard of our people for the great corporations to which these grants were made, can only be revived by a restoration of confidence, to be secured by their constant, unequivocal, and clearly manifested integrity. A faithful application of the undiminished proceeds of the grants to the construction and perfecting of their roads, an honest discharge of their obligations, and entire justice to all the people in the enjoyment of their rights on these highways of travel, are all the public asks, and it will be content with no less. To secure these things should be the common purpose of the officers of the Government, as well as of the corporations. With this accomplishment, prosperity would be permanently secured to the roads, and national pride would take the place of national complaint.

It appears from the report of the Commissioner of Pensions that there were, on the 1st day of July, 1885, 345,125 persons borne upon the pension rolls, who were classified as follows: Army invalids, 241,456; widows, minor children, and dependent relatives of deceased soldiers, 78,841; Navy invalids, 2,745; Navy widows, minor children, and dependents, 1,926; survivors of the war of 1812, 2,945; and widows of those who served in that war, 17,212. About one man in ten of all those who enlisted in the late war are reported as receiving pensions, exclusive of the dependents of deceased soldiers. On the 1st of July, 1875, the number of pensioners was 234,821, and the increase within the ten years next thereafter was 110,304.

While there is no expenditure of the public funds which the people more cheerfully approve than that made in recognition of the services of our soldiers living and dead, the sentiment underlying the subject should not be vitiated by the introduction of any fraudulent practices. Therefore it is fully as important that the rolls should be cleansed of all those who by fraud have secured a place thereon, as that meritorious claims should be speedily examined and adjusted. The reforms in the methods of doing the business of this bureau which have lately been inaugurated promise better results in both these directions.

The operations of the Patent Office demonstrate the activity of the inventive genius of the country. For the year ended June 30, 1885, the applications for patents, including reissues, and for the registration of trade-marks and labels, numbered 35,688. During the same period there were 22,928 patents granted and reissued, and 1,429 trade-marks and labels registered. The number of patents issued in the year 1875 was 14,387. The receipts during the last fiscal year were \$1,074,974.35,

and the total expenditures, not including contingent expenses, \$934,123.11. -

There were 9,788 applications for patents pending on the 1st day of July, 1884, and 5,786 on the same date in the year 1885. There has been considerable improvement made in the prompt determination of applications and a consequent relief to expectant inventors.

A number of suggestions and recommendations are contained in the report of the Commissioner of Patents which are well entitled to the consideration of Congress.

In the Territory of Utah the law of the United States passed for the suppression of polygamy has been energetically and faithfully executed during the past year, with measurably good results. A number of convictions have been secured for unlawful cohabitation, and in some cases pleas of guilty have been entered and a slight punishment imposed, upon a promise by the accused that they would not again offend against the law, nor advise, counsel, aid, or abet, in any way, its violation by others.

The Utah Commissioners express the opinion, based upon such information as they are able to obtain, that but few polygamous marriages have taken place in the Territory during the last year. They further report that while there cannot be found upon the registration lists of voters the name of a man actually guilty of polygamy, and while none of that class are holding office, yet at the last election in the Territory, all the officers elected except in one county, were men who, though not actually living in the practice of polygamy, subscribe to the doctrine of polygamous marriages as a divine revelation and a law unto all, higher and more binding upon the conscience than any human law, local or national. Thus is the strange spectacle presented of a community protected by a republican form of government, to which they owe allegiance, sustaining by their suffrages a principle and a belief which set at naught that obligation of absolute obedience to the law of the land, which lies at the foundation of republican institutions.

The strength, the perpetuity, and the destiny of the Nation rest upon our homes, established by the law of God, guarded by parental care, regulated by parental authority, and sanctified by parental love.

These are not the homes of polygamy.

The mothers of our land, who rule the Nation as they mould the characters and guide the actions of their sons, live according to God's holy ordinances, and each, secure and happy in the exclusive love of the father of her children, sheds the warm light of true womanhood, unperverted and unpolluted, upon all within her pure and wholesome family circle.

These are not the cheerless, crushed, and unwomanly mothers of polygamy.

The fathers of our families are the best citizens of the Republic. Wife and children are the sources of patriotism, and conjugal and parental affection beget devotion to the country. The man who, undefiled with plural marriage, is surrounded in his single home with his wife and children, has a stake in the country which inspires him with respect for its laws and courage for its defense.

These are not the fathers of polygamous families.

There is no feature of this practice, or the system which sanctions it, which is not opposed to all that is of value in our institutions.

There should be no relaxation in the firm but just execution of the law now in operation, and I should be glad to approve such further discreet legislation as will rid the country of this blot upon its fair fame.

Since the people upholding polygamy in our Territories are re-enforced by immigration from other lands, I recommend that a law be passed to prevent the importation of Mormons into the country.

The agricultural interest of the country demands just recognition and liberal encouragement. It sustains with certainty and unfailing strength, our nation's prosperity by the products of its steady toil, and bears its full share of the burden of taxation without complaint. Our agriculturists have but slight personal representation in the councils of the nation, and are generally content with the humbler duties of citizenship and willing to trust to the bounty of nature for a reward of their labor. But the magnitude and value of this industry are appreciated, when the statement is made that of our total annual exports more than three-fourths are the products of agriculture, and of our total population nearly one-half are exclusively engaged in that occupation.

The Department of Agriculture was created for the purpose of acquiring and diffusing among the people useful information respecting the subjects it has in charge, and aiding in the cause of intelligent and progressive farming, by the collection of statistics, by testing the value and usefulness of new seeds and plants, and distributing such as are found desirable, among agriculturists. This and other powers and duties with which this Department is invested are of the utmost importance, and if wisely exercised must be of great benefit to the country. The aim of our beneficent Government is the improvement of the people in every station, and the amelioration of their condition. Surely our agriculturists should not be neglected. The instrumentality established in aid of the farmers of the land should not only be well equipped for the accomplishment of its purpose, but those for whose benefit it has been adopted should be encouraged to avail themselves fully of its advantages.

The prohibition of the importation into several countries of certain of our animals and their products, based upon the suspicion that health is endangered in their use and consumption, suggests the importance of

such precautions for the protection of our stock of all kinds against disease, as will disarm suspicion of danger and cause the removal of such an injurious prohibition.

If the laws now in operation are insufficient to accomplish this protection, I recommend their amendment to meet the necessities of the situation, and I commend to the consideration of Congress the suggestions contained in the report of the Commissioner of Agriculture calculated to increase the value and efficiency of this Department.

The report of the Civil Service Commission, which will be submitted, contains an account of the manner in which the civil-service law has been executed during the last year, and much valuable information on this important subject.

I am inclined to think that there is no sentiment more general in the minds of the people of our country, than a conviction of the correctness of the principle upon which the law enforcing civil-service reform is based. In its present condition the law regulates only a part of the subordinate public positions throughout the country. It applies the test of fitness to applicants for these places by means of a competitive examination, and gives large discretion to the Commissioners as to the character of the examination and many other matters connected with its execution. Thus the rules and regulations adopted by the Commission have much to do with the practical usefulness of the statute and with the results of its application.

The people may well trust the Commission to execute the law with perfect fairness and with as little irritation as is possible. But of course no relaxation of the principle which underlies it, and no weakening of the safeguards which surround it can be expected. Experience in its administration will probably suggest amendment of the methods of its execution, but I venture to hope that we shall never again be remitted to the system which distributes public positions purely as rewards for partisan service. Doubts may well be entertained whether our Government could survive the strain of a continuance of this system, which upon every change of administration inspires an immense army of claimants for office to lay siege to the patronage of Government, engrossing the time of public officers with their importunities, spreading abroad the contagion of their disappointment, and filling the air with the tumult of their discontent.

The allurements of an immense number of offices and places, exhibited to the voters of the land, and the promise of their bestowal in recognition of partisan activity, debauch the suffrage and rob political action of its thoughtful and deliberative character. The evil would increase with the multiplication of offices consequent upon our extension, and the mania for office-holding, growing from its indulgence, would pervade our population so generally that patriotic purpose, the support of principle, the desire for the public good, and solicitude for the na-

tion's welfare, would be nearly banished from the activity of our party contests and cause them to degenerate into ignoble, selfish, and disgraceful struggles for the possession of office and public place.

Civil-service reform enforced by law came none too soon to check the progress of demoralization.

One of its effects, not enough regarded, is the freedom it brings to the political action of those conservative and sober men who, in fear of the confusion and risk attending an arbitrary and sudden change in all the public offices with a change of party rule, cast their ballots against such a chance.

Parties seem to be necessary, and will long continue to exist; nor can it be now denied that there are legitimate advantages, not disconnected with office-holding, which follow party supremacy. While partisanship continues bitter and pronounced, and supplies so much of motive to sentiment and action, it is not fair to hold public officials, in charge of important trusts, responsible for the best results in the performance of their duties, and yet insist that they shall rely, in confidential and important places, upon the work of those not only opposed to them in political affiliation, but so steeped in partisan prejudice and rancor that they have no loyalty to their chiefs and no desire for their success. Civil-service reform does not exact this, nor does it require that those in subordinate positions who fail in yielding their best service, or who are incompetent, should be retained simply because they are in place. The whining of a clerk discharged for indolence or incompetency, who, though he gained his place by the worst possible operation of the spoils system, suddenly discovers that he is entitled to protection under the sanction of civil-service reform, represents an idea no less absurd than the clamor of the applicant who claims the vacant position as his compensation for the most questionable party work.

The civil-service law does not prevent the discharge of the indolent or incompetent clerk, but it does prevent supplying his place with the unfit party worker. Thus, in both these phases, is seen benefit to the public service. And the people who desire good government having secured this statute, will not relinquish its benefits without protest. Nor are they unmindful of the fact that its full advantages can only be gained through the complete good faith of those having its execution in charge. And this they will insist upon.

I recommend that the salaries of the Civil Service Commissioners be increased to a sum more nearly commensurate to their important duties.

It is a source of considerable and not unnatural discontent that no adequate provision has yet been made for accommodating the principal library of the Government. Of the vast collection of books and pamphlets gathered at the Capitol, numbering some seven hundred thousand, exclusive of manuscripts, maps, and the products of the graphic arts, also of great volume and value, only about three hundred

thousand volumes, or less than half the collection, are provided with shelf-room. The others, which are increasing at the rate of from twenty-five to thirty thousand volumes a year, are not only inaccessible to the public, but are subject to serious damage and deterioration from other causes in their present situation.

A consideration of the facts that the library of the Capitol has twice been destroyed or damaged by fire, its daily increasing value, and its importance as a place of deposit of books under the law relating to copyright, makes manifest the necessity of prompt action to insure its proper accommodation and protection.

My attention has been called to a controversy which has arisen from the condition of the law relating to railroad facilities in the city of Washington, which has involved the Commissioners of the District in much annoyance and trouble. I hope this difficulty will be promptly settled by appropriate legislation.

The Commissioners represent that enough of the revenues of the District are now on deposit in the Treasury of the United States to repay the sum advanced by the Government for sewer improvements under the act of June 30, 1884. They desire now an advance of the share which ultimately should be borne by the District of the cost of extensive improvements to the streets of the city. The total expense of these contemplated improvements is estimated at \$1,000,000, and they are of the opinion that a considerable sum could be saved if they had all the money in hand, so that contracts for the whole work could be made at the same time. They express confidence that if the advance asked for should be made, the Government would be reimbursed the same within a reasonable time. I have no doubt that these improvements could be made much cheaper if undertaken together and prosecuted according to a general plan.

The license law now in force within the District is deficient and uncertain in some of its provisions and ought to be amended. The Commissioners urge, with good reason, the necessity of providing a building for the use of the District government, which shall better secure the safety and preservation of its valuable books and records.

The present condition of the law relating to the succession to the Presidency in the event of the death, disability, or removal of both the President and Vice-President is such as to require immediate amendment. This subject has repeatedly been considered by Congress, but no result has been reached. The recent lamentable death of the Vice-President, and vacancies at the same time in all other offices the incumbents of which might immediately exercise the functions of the Presidential office, has caused public anxiety and a just demand that a recurrence of such a condition of affairs should not be permitted.

In conclusion, I commend to the wise care and thoughtful attention of Congress the needs, the welfare, and the aspirations of an intelligent and generous nation. To subordinate these to the narrow advantages of partisanship, or the accomplishment of selfish aims, is to violate the people's trust and betray the people's interests. But an individual sense of responsibility on the part of each of us, and a stern determination to perform our duty well, must give us place among those who have added in their day and generation to the glory and prosperity of our beloved land.

GROVER CLEVELAND.

WASHINGTON,

• *December 8, 1885*

FOREIGN RELATIONS.

LIST OF PAPERS, WITH AN ANALYSIS OF THEIR CONTENTS.

ARGENTINE REPUBLIC.

No.	From and to whom.	Date.	Subject.	Page.
1	Mr. Frelinghuysen to Mr. Osborn (No. 221).	1884. Dec. 29	Telegraphic communication between Argentine Republic and the United States: Instructed to use good offices to obtain concession for Central and South American Telegraph Company; letter from president of the company asking assistance of Department, and citing cases in which the Department's aid has been successfully exerted, inclosed.	1
2	Mr. Osborn to Mr. Bayard (No. 450).	1885. Apr. 20	Railway: Inauguration of the Andean Railway, connecting Buenos Ayres with Mendoza and San Juan, a distance of 700 miles; concession granted to extend the road to Santiago, Chili; the diplomatic corps and a large party taken over the road, which is equipped with American (Pullman) cars and locomotives.	2
3	Same to same (No. 452).....	May 8	Political: Opening of Congress and reading of President's message; diplomatic difficulty with papal nuncio arranged; foreign relations good; financial condition good; railroad building advancing rapidly; telegraph lines extended; immigration continues to increase; only one-fourth of children of proper age attend schools.	3
4	Mr. Bayard to Mr. Osborn (No. 227).	May 25	Telegraphic communication between Argentine Republic and the United States: Concession sought by Central and South American Telegraph Company to extend existing lines to Brazil; instructed to investigate and report and express wish of the United States for unimpeded telegraphic communication; letter from president of the company asking continuation of diplomatic assistance.	4
5	Mr. Osborn to Mr. Bayard (No. 459).	July 16	Telegraphic communication between Argentine Republic and the United States: Concession for Central and South American Telegraph Company to extend its lines to Brazil granted; draft of contract to carry concession into effect has been submitted to Government.	5

AUSTRIA-HUNGARY.

6	Mr. Francis to Mr. Frelinghuysen (No. 53).	1885. Feb. 5	Military service demanded of Louis Feinknopf, a naturalized American citizen: He is arrested by military authorities of Krakau and impressed into the army as a private; Mr. Francis protests against this action as in violation of naturalization treaty of 1870; Feinknopf is discharged after a delay of three months; facts of case stated; correspondence with foreign office, and with Mr. Feinknopf and latter's mother, inclosed.	5
	Mr. Bayard to Mr. Francis (No. 30).	Mar. 9	Military service demanded of Louis Feinknopf: United States desires that the unwarranted delay in granting Feinknopf's discharge should be acknowledged by Austrian Government, and that a reasonable reparation be made for his illegal arrest and impressment in the army.	16

AUSTRIA-HUNGARY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
8	Mr. Francis to Mr. Bayard (No. 72).	1885. Apr. 10	Military service demanded of Louis Feinknopf: Minister for foreign affairs acknowledges the delay in granting his release was unwarranted, but declines to entertain the proposition to grant reparation to him, as naturalized citizens know of their liability to be suspected of owing military duty; the delay not due to foreign office.	17
9	Same to same (No. 78).....	Apr. 25	Military service demanded by Austria of Harry Rice: Mr. Francis requests his release from arrest; Austrian Government furnishes proof that at the time of his naturalization Rice had not reached his majority or resided five years in the United States, and that the certificate was therefore fraudulently obtained; Rice has been informed that legation cannot intervene in his behalf unless he furnishes proof in rebuttal; United States should secure cancellation of the fraudulent certificate of naturalization; incloses correspondence with foreign office and with Mr. Rice.	19
10	Mr. Bayard to Mr. Francis (No. 37).	Apr. 28	Military service demanded of Louis Feinknopf by Austria: His presentation of request for acknowledgment of unwarranted delay and for reparation, discreet; he will make a list of such cases for future reference.	27
11	Same to same (No. 42).....	May 20	Military service demanded by Austria of Harry Rice: As Rice's naturalization was obtained by fraudulent allegations, he should be told that United States cannot intervene in his behalf.	27
12	Mr. Bayard to Mr. Keiley (telegram).	May 27	Objections of Austria to appointment of A. M. Keiley as minister: Informs him that Austria has requested delay in his departure for Vienna until assent to his appointment had been obtained, on ground that Mrs. Keiley was a Jewess; consideration of such objection refused; a direct refusal to receive him not understood, but threat of social ostracism held out.	28
13	Mr. Francis to Mr. Bayard..	June 17	Objections of Austria to appointment of A. M. Keiley as minister: Mr. Szögyényi states that Mr. Keiley's recognition would be extremely inconvenient, as he had been objected to by "a near neighbor"; Austrian Government not influenced by fact that his wife is a Jewess, but cannot prescribe society usage, which might be disagreeable.	28
14	Same to same.....	June 24	Objections of Austria to appointment of A. M. Keiley as minister: Interview with Count Kalnoky; he states objections to Mr. Keiley's appointment, but holds right of a Government to refuse to receive an envoy without discussion; Austria desires to maintain friendly relations with United States, but thinks its opinions and objections should be regarded; Mr. Francis expresses regret at these objections.	29
15	Same to same (No. 106).....	June 30	Objections of Austria to appointment of A. M. Keiley as minister: Article from New Free Press, of Vienna, inclosed, discussing the refusal to receive Mr. Keiley, and giving as principal reason the desire not to offend Italy; asserts that Mr. Keiley would not be acceptable to any European state on same grounds.	30
16	Mr. Bayard to Mr. Francis .	July 1	Objections of Austria to appointment of A. M. Keiley as minister: Reviews the subject of Mr. Keiley's rejection by Italy and the grounds of objection assumed by Austria; United States cannot assent to objections based on religious belief or on the wishes of a third power; the United States desires to continue friendly relations; instructed to convey substance of this dispatch to Count Kalnoky, that objection to Mr. Keiley may be withdrawn, and to present letter of recall, turning over legation to secretary as chargé.	32
17	Mr. Francis to Mr. Bayard (telegram).	July 27	Objections of Austria to appointment of A. M. Keiley as minister: Conference held with minister; early answer promised; arrival of secretary of legation Lee; Mr. Francis takes leave on 31st instant.	35

AUSTRIA-HUNGARY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
18	Mr. Francis to Mr. Bayard (No. 117).	1885. July 28	Objections of Austria to appointment of A. M. Keiley as minister: A prompt decision promised by minister for foreign affairs after consultation with Baron Schaeffer, who has already arrived in Vienna; recall letter will be presented on 31st instant.	35
19	Mr. Lee to Mr. Bayard (telegram).	Aug. 4	Objections of Austria to appointment of A. M. Keiley as minister: Minister for foreign affairs refuses to receive Mr. Keiley and asks appointment of another minister.	36
20	Mr. Bayard to Mr. Keiley (telegram).	Aug. 5	Objections of Austria to appointment of A. M. Keiley as minister: Informed that Austria has finally and positively refused to receive him and his immediate return to the United States is suggested.	36
21	Mr. Lee to Mr. Bayard (No. 127).	Aug. 6	Objections of Austria to appointment of A. M. Keiley as minister: Minister for foreign affairs states that his refusal to receive Mr. Keiley does not involve question of liberty of conscience, but that fact that Mrs. Keiley was a Jewess would make his social position in Vienna impossible; states that his action was not influenced by Italy; custom of obtaining the <i>agrément</i> of a government to the appointment of minister to it frequently avoids disagreeable diplomatic incidents.	36
22	Same to same (No. 131).....	Aug. 17	Objections of Austria to appointment of A. M. Keiley as minister: Mr. Szögyényi inquires why Mr. Keiley has not been recalled, to which reply is made that a religious disqualification cannot be considered; intimation is given that Baron Schaeffer will not return as minister to United States.	37
23	Mr. Bayard to Mr. Lee (No. 4).	Aug. 31	Objections of Austria to appointment of A. M. Keiley as minister: Reviews the position of United States; United States has not insisted upon Mr. Keiley's reception, and admits the right of a government to decline to receive an envoy without stating grounds of objections; objections stated could not be acquiesced in, and Mr. Keiley could not be recalled on such grounds. Instructed to inform Count Kalnoky that the objections were stated in writing and not verbally, and objection was made on ground of Mr. Keiley's rejection by Italy.	38
24	Mr. Keiley to Mr. Bayard...	Sept. 1	Objections of Austria to appointment of A. M. Keiley as minister: Resigns his commission. Reviews at length the grounds of refusal to receive him.	41
25	Mr. Bayard to Mr. Keiley (No. 2).	Sept. 15	Objections of Austria to appointment of A. M. Keiley as minister: Resignation of his commission accepted; approves his action and regrets that the course of Austria and his refusal of other office have prevented the United States of availing itself of his services.	45
26	Mr. Lee to Mr. Bayard (No. 147).	Oct. 9	Objections of Austria to appointment of A. M. Keiley as minister: Count Kalnoky states that Baron Schaeffer made a mistake in communicating Austria's objections in writing instead of verbally; Mr. Szögyényi denies that he said to Mr. Francis that Italy had objected to Mr. Keiley's reception at Vienna.	46

CORRESPONDENCE WITH THE LEGATION OF AUSTRIA-HUNGARY AT WASHINGTON.

27	Mr. Bayard to Baron Schaeffer.	1885. May 4	Objections of Austria to appointment of A. M. Keiley as minister: Announces Mr. Keiley's appointment as minister, and bespeaks a favorable reception for him at Vienna.	48
28	Count Kalnoky to Baron Schaeffer (telegram).	May 8	Objections of Austria to appointment of A. M. Keiley as minister: States regret at Mr. Keiley's sudden departure for Vienna, as scruples exist against his selection as minister; instructed to direct attention of United States Government to practice of previously obtaining the <i>agrément</i> of the other Government, and to request that Mr. Keiley will not reach Vienna until consent to his nomination has been given; position of an envoy wedded to a Jewess untenable in Vienna.	48

CORRESPONDENCE WITH THE LEGATION OF AUSTRIA-HUNGARY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
29	Mr. Bayard to Baron Schaeffer.	1885. May 18	Objections of Austria to appointment of A. M. Keiley as minister: United States unable to admit disqualification of a diplomatic agent on the ground of religion, or inquire into such matters; religious equality the ground work of the American system of government; requests reconsideration by Austria; right of a government to refuse to receive an unacceptable envoy freely admitted.	48
30	Baron Schaeffer to Mr. Bayard.	May 19	Objections of Austria to appointment of A. M. Keiley as minister: Views of the United States will be laid before his Government; he is not authorized to discuss the arguments presented; requests that Mr. Keiley may not reach Vienna until consent to his appointment has been received.	51
31	Mr. Bayard to Baron Schaeffer.	May 20	Objections of Austria to appointment of A. M. Keiley as minister: The custom of previously obtaining consent of foreign powers to appointment of ministers has not been followed by United States; gives reasons why it would be unwise; Austria was duly informed of Mr. Keiley's appointment; hopes no sufficient grounds for his rejection will be found on this point.	51
32	Baron Schaeffer to Mr. Bayard.	May 25	Anarchists: Departure of, feared among Bohemians leaving Chicago ostensibly to witness opening festivities of New National Theater at Prague; requests examination of baggage and seizure of suspicious revolutionary pamphlets and explosives.	53
33	Mr. Bayard to Baron Schaeffer.	May 26	Anarchists: Departure of, feared among Bohemians leaving Chicago for Prague; United States executive has no power to make searches of baggage of passengers suspected of carrying explosives, except after legal proceedings; revolutionary pamphlets not seizable by any United States law; carrying explosives on a passenger vessel prohibited by law; district attorney will institute proceedings on complaint duly made before any United States magistrate.	53
34	Baron Schaeffer to Mr. Bayard.	June 11	Objections of Austria to appointment of A. M. Keiley as minister: Austria declines to make its objections the basis of a discussion upon religious liberty and diplomatic law; objections on ground want of political tact in consequence of which another power refused to receive him, and of social disabilities on account of his domestic relations, remain in full force; requests that Mr. Keiley will not arrive at present at Vienna	55
35	Mr. Bayard to Baron Schaeffer.	June 13	Anarchists: Departure of, feared among Bohemian tourists leaving Chicago for Prague; attorney-general unable to obtain information of unlawful proceedings in premises.	55
36	Same to same	June 15	Objections of Austria to appointment of A. M. Keiley as minister: Regrets that efforts of United States to be represented at Vienna have not been wholly successful; states the correspondence was invited by Austria, and is abruptly closed by Baron Schaeffer's note of 11th instant; declines to discuss objections based on previous refusal of a third power; asks if requests that Mr. Keiley may not arrive "just now" is intended to temporarily delay his presentation or is a final refusal to receive him.	56

BELGIUM.

37	Mr. Fish to Mr. Bayard (No. 349.)	1885. Aug. 2	Congo. Independent State of: Assumption by King Leopold of title of sovereign of, and appointment of Edmund van Eetvelde as administrator-general of foreign affairs; the relation of King personal and not connected with Belgium; letter of King to President; King's secretary to Mr. Fish, and Mr. Eetvelde to Mr. Bayard, giving boundaries and guarantee of neutrality as provided by the general act of Berlin Congo conference.	57
----	-----------------------------------	-----------------	---	----

LIST OF PAPERS.

LIII

BELGIUM—Continued.

No.	From and to whom.	Date.	Subject.	Page.
38	Mr. Bayard to Mr. Tree (No. 5).	1885. Sept. 11	Congo, independent state of: Recognition of King Leopold as sovereign of, and entrance upon diplomatic relations with new state by United States; declaration of neutrality cannot be given due weight until Senate takes action upon general act of Berlin Congo Conference; United States delegates at Congo conference signed the general act without plenipotentiary powers, and United States not bound by that instrument; letter of President to King Leopold and of Mr. Bayard to administrator-general for foreign affairs of Congo inclosed.	60
39	Mr. Tree to Mr. Bayard (No. 5).	Oct. 20	Congo, independent state of: Interview with administrator-general for foreign affairs; letters to him delivered; postal service for Congo to be in operation by January 1; judicial system nearly perfected; courts to be established at Banana and Vivi; department of interior under organization; results hoped for in due time.	62
40	Same to same (No. 7)	Oct. 26	Congo, independent state of: Delivery of letter of President to King Leopold as sovereign of Congo; king expresses gratification, and states that United States was first nation to recognize the Congo flag; deprecates too great expectation of results in short time; project to build railway around falls of Congo mentioned; King interested in carrying civilization to Africa, and hopes to build up commerce.	63

CORRESPONDENCE WITH THE LEGATION OF BELGIUM AT WASHINGTON.

41	Mr. de Bounder to Mr. Bayard.	1885. June 19	Tonnage duty: Removal of, on vessels coming from certain ports of North, Central, and South America, in accordance with shipping act of June 26, 1884; same treatment claimed for vessels coming from Belgian ports under most favored nation clause of treaty of 1875.	64
42	Mr. Bayard to Mr. de Bounder.	Nov. 7	Tonnage duty: Removal of, on vessels coming from certain ports in North, Central, and South America, in accordance with shipping act of June 26, 1884; in opinion of Attorney-General the discrimination geographical, inuring to vessels of any nation from ports mentioned in act. Claim to exemption for vessels coming from Belgium under "most favored nation" clause of treaty of 1875 unwarranted.	65

CENTRAL AMERICA.

43	Mr. Hall to Mr. Frelinghuysen (No. 309).	1885. Jan. 15	Destitute laborers in Guatemala: They were engaged by verbal contract at New Orleans to work on a projected railroad; many reported to have died; aid asked, but not expected, from Government of Guatemala; suggests that American naval vessel be sent to Livingston to investigate and return such as desire to New Orleans; correspondence with consular agent at Livingston inclosed.	66
44	Same to same (No. 311)	Jan. 22	Destitute laborers in Guatemala: Many claim American citizenship; reports of their destitution corroborated; for naval vessel to return the worthy destitute to New Orleans would be an act of humanity.	68
45	Same to same (No. 314)	Feb. 5	Destitute laborers in Guatemala: Renews his suggestion that an American naval vessel return them to New Orleans; letter from consular agent at Livingston inclosed.	69
46	Same to same (No. 316)	Feb. 10	Arrest demanded by Nicaragua of J. D. Gomez, a Nicaraguan, charged with a political offense, and a passenger on board American steamer Honduras; Mr. Hall has protested; captain of Honduras refused to deliver up Gomez, and sailed; captain tried after his departure and found guilty; trouble feared in case his ship returns; correspondence with consul at Managua inclosed.	70
47	Mr. Frelinghuysen to Mr. Hall (No. 215).	Feb. 11	Destitute laborers in Guatemala: Secretary of Navy has been asked to send naval vessel to investigate and return American citizens in distress to New Orleans.	72

CENTRAL AMERICA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
48	Mr. Frelinghuysen to Mr. Bayard (No. 221).	1885. Feb. 27	Destitute laborers in Guatemala: Secretary of Navy has ordered a naval vessel to Livingston to furnish supplies to destitute Americans, after conference with consular agent, and transport such as desire to return to New Orleans; letter from Secretary of Navy inclosed.	72
49	Mr. Whitehouse to Mr. Frelinghuysen.	Mar. 6	Union of Central America proclaimed by decree of President Barrios of Guatemala: Great excitement and enthusiasm prevails; resistance of Nicaragua and Costa Rica anticipated, and preparations made against them; Presidents of Salvador and Honduras have declared for the Union; persons hostile to Union declared traitors; officers who declare for it to be advanced; treaties negotiated by other states after decree declared void. Note from minister of foreign affairs announcing decree inclosed.	73
50	Same to same	Mar. 8	Union of Central America proclaimed by decree of President Barrios of Guatemala: President of Salvador vacillates, declaring assent of Congress necessary before agreeing to decree; war expected to be declared; Honduras has adhered unreservedly; answers of Nicaragua and Costa Rica not made public. Letter from President Barrios to President of Salvador urging him to join the Union inclosed.	74
51	Same to same	Mar. 9	Union of Central America proclaimed by decree of President Barrios of Guatemala: Decree and proclamation of the union inclosed; no treaties made by any other of Central American States will be recognized after date of decree of union.	75
52	Mr. Bayard to Mr. Hall (telegram).	Mar. 10	Union of Central America by decree of President Barrios of Guatemala: United States in favor of a voluntary combination of the different states, but discountenances coercion by any one state; United States prepared to use its influence for peace.	81
53	Same to same (No. 226)	Mar. 12	Arrest demanded by Nicaragua of J. D. Gomez, a Nicaraguan, charged with a political offense, and a passenger on board American steamer Honduras; captain of Honduras should have delivered up Mr. Gomez if he voluntarily entered jurisdiction whose laws he had violated; merchant vessels owe temporary allegiance to country they visit, and are subject to its laws unless granted immunity by treaty. Requests report of facts.	82
54	Mr. Hall to Mr. Bayard (No. 322).	Mar. 14	Union of Central America by decree of President Barrios of Guatemala: Decree unexpected; Honduras has joined the movement; previous agreement was made between Presidents of Guatemala, Honduras, and Salvador; latter does not hold to agreement, owing to opposition of people of Salvador; Costa Rica and Nicaragua opposed to union; necessity of peaceful measures urged upon President of Guatemala; United States influence will be used to avert conflict. Correspondence inclosed.	83
55	Same to same (telegram)	Mar. 15	Union of Central America by decree of President Barrios of Guatemala: President of Guatemala states his army on Salvadorian frontier to support union not to invade neighboring states; Mexico will probably remain passive and allow President of Guatemala to recede gracefully from his position.	87
56	Mr. Bayard to Mr. Hall (telegram).	Mar. 16	Telegraphic cables belonging to Americans in Central America: United States will hold Guatemala responsible for injury done to, under its authority.	87
57	Mr. Hall to Mr. Bayard (telegram).	Mar. 16	Union of Central America by decree of President Barrios of Guatemala: Arrangement thought possible to avert conflict; President of Guatemala would accept suggestion of United States, and withdraw troops from Salvador, if Mexican interference is discontinued; condition of affairs prejudicial to American interests.	87
58	Same to same (telegram)	Mar. 24	Union of Central America by decree of President Barrios of Guatemala: Mr. Hall has endeavored to prevent conflict; Honduras and Nicaragua will delay hostilities pending instructions to him from United States; rumored intervention by Mexico sought by Salvador; new minister from Guatemala will give information of demand made by Salvador for surrender of persons on steamer Grenada; naval vessels asked for.	88

LIST OF PAPERS.

LV

CENTRAL AMERICA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
59	Mr. Hall to Mr. Bayard (No. 325).	1885. Mar. 25	Demand by Salvador for surrender of Guatemalan minister to United States, and of men and military supplies for Honduras, of captain of American steamer Grenada; captain of Grenada refuses to comply; all the Central American states use the Pacific Mail Steamship Company's steamers for transporting arms; Mr. Hall refuses to instruct the captain to return the men to San José; correspondence inclosed.	88
60	Same to same (No. 326)	Mar. 25	Destitute laborers (American) in Guatemala: Commander of U. S. S. Swatara has made investigation; better protection of Americans promised; moral effect of Swatara's visit good; thirty-eight men taken on board from Livingston; others will be returned to New Orleans from Puerto Barrios; letter from consular agent at Livingston inclosed.	90
61	Same to same (No. 327)	Mar. 26	Union of Central America by decree of President Barrios of Guatemala: Efforts of Mr. Hall to secure peace; Guatemala and Honduras give assurances they will not begin hostilities; Salvador stated to have sent emissaries to foment revolution among Indians in Honduras and Guatemala; President of Guatemala has evinced willingness to recede from his position because of failure of support of President of Salvador; correspondence with the Central American States in endeavor to secure peace inclosed.	91
62	Same to same (No. 329)	Mar. 26	Union of Central America by decree of President Barrios of Guatemala: Decree does not affect existing treaties, and is void so far as concerns Salvador, Nicaragua, and Costa Rica, who have not accepted it; memorandum and note from minister for foreign affairs of Guatemala inclosed.	94
63	Same to same (No. 330)	Mar. 26	Union of Central America by decree of President Barrios of Guatemala: Condition of affairs in Nicaragua; army is placed on war footing and Guatemala to be invaded; dispatches from consul at Managua inclosed.	96
64	Mr. Bayard to Mr. Hall (telegram).	Mar. 27	Naval vessels ordered to protect American interests in Central America.	98
65	Same to same (telegram)	Apr. 1	Union of Central America by decree of President Barrios of Guatemala: Mr. Hall informed of his previous authorization to offer good offices of the United States in interest of peace.	98
66	Mr. Hall to Mr. Bayard (telegram).	Apr. 1	Union of Central America by decree of President Barrios of Guatemala: Exercise of good offices of the United States will probably prevent bloodshed; asks permission to extend same.	98
67	Same to same (telegram)	Apr. 2	Union of Central America by decree of President Barrios of Guatemala: Battle between the forces of Salvador and Guatemala; President of Guatemala killed; diplomatic corps has proposed armistice.	99
68	Same to same (telegram)	Apr. 8	Union of Central America by decree of President Barrios of Guatemala: President Barrios killed in battle on 2d inst.; General Barillas named by National Assembly provisional President; new ministry formed; General Barrios' death demoralized army, and caused panic; Guatemala Government weak; fear entertained as to safety of obnoxious individuals; numbers ask asylum in legation.	99
69	Mr. Whitehouse to Mr. Bayard (telegram).	Apr. 10	Political situation: Mr. Hall, by exercise of good offices, has prevented military dictatorship of General Barrundia, and induced Guatemala to observe legality, form new ministry, and make peace with Salvador; Salvador will probably consent to peace if urged by the United States.	99
70	Mr. Bayard to Mr. Whitehouse (telegram).	Apr. 11	Political situation: United States minister to Mexico has been telegraphed that war between Mexico and Guatemala is deprecated by the United States.	100
71	Mr. Hall to Mr. Bayard (No. 336).	Apr. 11	Union of Central America by decree of President Barrios of Guatemala: Invasion of Salvador frustrated by death of General Barrios at head of his troops; panic ensues; fighting not resumed; Guatemala revokes decree; General Barillas named provisional President, and appoints excellent cabinet; peace reported between Honduras and Salvador, Nicaragua, and Costa Rica; Salvador and Guatemala will probably make peace.	100

CENTRAL AMERICA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1885.		
72	Mr. Bayard to Mr. Hall (telegram).	Apr. 13	Political situation: President urgently recommends to acting President of Guatemala a peaceful termination of present difficulties.	101
73	Mr. Whitehouse to Mr. Bayard.	Apr. 14	Political situation: Attitude of United States towards threatened war between Mexico and Guatemala; Department's telegram of 11th instant has been sent to Mr. Hall not in cipher that its meaning may be known to Salvador.	101
74	Same to same	Apr. 15	Political situation: Peace arranged by Salvador and Guatemala; hostilities ceased between Central American States, and general amnesty proclaimed; plenipotentiaries of allies meet at Acajutla to arrange definite treaty; letter from President of Salvador and consul at San Salvador inclosed.	102
75	Same to same	Apr. 15	Political situation: Preliminary peace propositions through good offices of diplomatic corps accepted by Salvador and Guatemala; renewal of hostilities improbable.	102
76	Mr. Hall to Mr. Bayard (No. 337).	Apr. 15	Political situation: Mediation of diplomatic corps results in preliminary arrangement for peaceful settlement of war growing out of decree of union by President Barrios; bases no conditions and absolute amnesty; correspondence between Mr. Hall, diplomatic corps, and Presidents of Central American States inclosed.	103
77	Mr. Bayard to Mr. Hall (No. 239).	Apr. 16	Destitute laborers (Americans) in Guatemala: U. S. S. Swatara returned them to the United States in a satisfactory manner; reports of naval officers and letter from consul at Livingston inclosed.	109
78	Mr. Hall to Mr. Bayard (No. 338).	Apr. 17	Political situation: Draft of decree declaring peace to be issued simultaneously by all Central American States has been drawn up by President of Salvador; no positive assurance of this result; diplomatic corps congratulate President of Salvador upon satisfactory result of its mediation.	112
79	Mr. Whitehouse to Mr. Bayard.	Apr. 18	Political situation: Treaty of peace between Salvador and Honduras inclosed.	114
80	Same to same	Apr. 18	Political situation: Decree of President of Salvador declaring peace and thanking diplomatic corps for its mediation.	115
81	Mr. Bayard to Mr. Hall (No. 241).	Apr. 23	Union of Central America by decree of President Barrios of Guatemala: Abrogation of decree does away with importance of ninth article annulling treaties signed by the other States after date of the decree.	117
82	Mr. Hall to Mr. Bayard (No. 342).	Apr. 24	Mediation of diplomatic corps to secure peace: Resolution of thanks to diplomatic corps by Legislature of Guatemala for its action in securing peace.	117
83	Same to same (No. 351)	May 8	Union of Central America proposed by President of Salvador: All Central American States invited to send delegates to a congress to adopt a federal constitution; project fails, only Honduras sending favorable answer; circular of Salvador, and replies of the different Governments inclosed.	118
84	Same to same (No. 355)	May 16	Revolution in Salvador: Salvadorians under Generals Menendez and Perez, who were favorable to General Barrios, have routed Government troops; President Zaldivar resigned and left country; peace will probably be made by election of General Menendez to presidency.	123
85	Same to same (No. 367)	May 30	Revolution in Salvador: Attempt to settle difficulty by commissioners on behalf of Government and revolutionists unavailing; Nicaragua sends 1,000 men to aid Government of Salvador; victorious engagement by revolutionists reported; proclamations by revolutionary leader Menendez inclosed.	124
86	Same to same (No. 369)	June 2	Revolution in Salvador: Guatemala protests against intervention of Nicaragua in internal affairs of Salvador; Guatemala intends to place observation forces on frontier of Salvador; action of Salvador likely to occasion difficulties with Guatemala, Honduras, and Mexico; protest of Guatemala to diplomatic corps inclosed.	126

CENTRAL AMERICA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
87	Mr. Hall to Mr. Bayard (No. 370).	1885. June 5	Revolution in Salvador: Successes of revolution reported; Nicaraguan troops to aid General Figueroa have landed in Salvador; dispatches from consul at Sansonate inclosed.	127
88	Same to same (No. 373)	June 12	Revolution in Salvador: Mediation of United States desired by Guatemala to promote peace in, and secure withdrawal of Nicaraguan forces from Salvador; Guatemala will then withdraw troops from frontier; American interests prejudiced by state of disorder; note from minister of foreign affairs inclosed.	128
89	Mr Bayard to Mr. Hall (telegram).	June 19	Mediation by United States to secure peace in Central America: Instructed to use good offices and influence to secure peaceful settlement; United States has deep interest in welfare of Central America.	130
90	Mr. Hall to Mr. Bayard (No. 377).	June 26	Revolution in Salvador: Success of revolutionists; terms made with Government party; Mr. Hall used his good offices to bring about result; General Menendez provisional President; treaty of peace inclosed.	130
91	Same to same (No. 378)	June 27	Revolution in Salvador: Provisional Government under General Menendez as President announced by minister for foreign affairs; suggests recognition by United States.	132
92	Same to same (No. 394)	July 22	Railroad contract by Guatemala to build railroad from Atlantic to Guatemala City: Scheme languishes from failure of Guatemala to carry out contract; Mr. Hall obtains payment of wages of American laborers employed; new contract on equitable basis to be made; letter from agent of contractors and consular agent at Livingston inclosed.	133
93	Same to same (No. 404)	Aug. 31	Mediation of United States to secure peace between Guatemala and Nicaragua: Through Mr. Hall's efforts Guatemala has received Nicaraguan envoy; protocol to settle differences; letter to Mr. Hall inclosed; Guatemala and Salvador disposed to maintain peace with Nicaragua.	136
94	Mr. Bayard to Mr. Hall (No. 285).	Sept. 1	Neutrality laws of United States: Alleged violation of, by steamer City of Mexico, at New York, engaged in filibustering expedition against Honduras; means to prevent same have been taken; Mr. Hall will inform Honduras.	138
95	Same to same (No. 288)	Sept. 7	Neutrality laws of United States: Alleged violation of, by steamer City of Mexico engaged in filibustering expedition against Honduras; no evidence to confirm report, but she will be watched.	138
96	Mr. Hall to Mr. Bayard (No. 410).	Sept. 11	Neutrality laws of United States: Alleged violation of, by steamer City of Mexico engaged for filibustering expedition against Honduras; expedition said to be under ex-President Soto; incloses note from minister for foreign affairs asking her detention at New York.	139
97	Same to same (No. 427)	Sept. 29	Revolutionary movement against Honduras by ex-President Soto: Unsuccessful attempt of steamer Dorian to land an expedition; newspaper articles inclosed.	140
98	Mr. Bayard to Mr. Hall (No. 294).	Oct. 7	Neutrality laws of United States: Alleged violation of, by steamer City of Mexico engaged for filibustering expedition against Honduras; no evidence found against vessel, which has sailed from New York; correspondence with Treasury Department inclosed.	141
99	Mr. Hall to Mr. Bayard (No. 429).	Oct. 10	Neutrality laws of United States: Alleged violation of, by steamer City of Mexico engaged for filibustering expedition against Honduras; thanks of Honduras for steps taken to prevent departure of expedition from United States; telegrams inclosed.	143
100	Mr. Bayard to Mr. Pringle (No. 305).	Nov. 18	Mediation of United States to secure peace in Central America: President willing that United States representatives should use influence to that end, with due recognition of sovereign rights; good wishes for Central America expressed.	143
101	Same to same (No. 307)	Nov. 28	Neutrality laws of United States: Alleged violation of, against peace of Honduras by British steamer Dorian through assistance of A. D. Strans & Co., at New York; operations of latter will be investigated.	144

CHINA.

No.	From and to whom.	Date.	Subject.	Page.
102	Mr. Young to Mr. Frelinghuysen (No. 574).	1884. Dec. 12	Students (Chinese) educated in America: They distinguish themselves in fight against French at Foochow; students no longer sent to United States on ground that they become denationalized; Mr. Young calls attention to their bravery at Foochow, and hopes for continuance of the system; correspondence with foreign office inclosed.	144
103	Same to same (No. 596)	Dec. 27	Tea trade of China: It is decreasing owing to increase of tea culture in India; opium culture increases with diminution of tea culture.	146
104	Same to same (No. 631)	1885. Jan. 20	Christian converts at Canton: Protest of missionaries against incendiary publication suggesting means for arresting spread of Christianity; review of missionary question in China; treaties in which China stipulates protection of Christians cited; remonstrance will be made to yamén; letter from consul at Canton; publication issued at Canton, and address of Protestant missionaries at Canton inclosed.	147
105	Same to same (No. 632)	Jan. 24	Protection of foreigners at Canton: Viceroy has suppressed publication arguing against spread of Christianity, at intervention of British consul-general; no formal complaint will be made to yamén, but by informal representation; correspondence between British consul-general and viceroy of Canton inclosed.	154
106	Same to same (No. 650)	Feb. 14	Neutrality of United States during difficulties between France and China: Consul at Foochow directed not to recommend to Chinese explosives of American manufacture; correspondence inclosed.	156
107	Same to same (No. 658)	Feb. 23	Citizenship status of J. F. Pearson, or Whey Ting, born of American father and Chinese mother: He claims American citizenship to aid him in a property difficulty; Mr. Young holds he must be regarded as an American citizen, if he has assumed no other allegiance; correspondence with consul at Canton.	157
108	Mr. Bayard to Mr. Young (No. 407).	Mar. 11	Neutrality of United States during difficulties between France and China: United States cannot prevent its citizens out of its jurisdiction from joining in hostile movements against foreign states at their own risk; instructed to deprecate such action; Americans cannot be prohibited from acting as pilots on French men-of-war.	160
109	Mr. Young to Mr. Bayard (No. 673).	Mar. 13	Contraband of war: Notification of French minister declaring rice to be contraband inclosed.	161
110	Mr. Bayard to Mr. Young (No. 418).	Mar. 20	Protection of foreigners at Canton: Action taken relative to memorial against Christians approved; formal representation to yamén not necessary.	162
111	Mr. Young to Mr. Bayard (No. 687).	Mar. 24	Contraband of war: Notification of French consul-general at Shanghai enumerating articles considered as contraband.	162
112	Same to same (No. 693)	Mar. 29	Missionaries, protection of, in China: Correspondence with chairman China Board of Evangelical Alliance; indemnity for property destroyed near Canton desired; central government willing to protect missionaries and Christians, but cannot prevent outrages perpetrated by mobs in the provinces; difficulties of missionary work.	162
113	Same to same (No. 696)	Mar. 30	Neutrality of United States: As France and China are at war, consul at Ningpo has been instructed not to enter or clear American vessels supplying either belligerent with contraband of war; correspondence with consul at Ningpo inclosed.	168
114	Mr. Smithers to Mr. Bayard (No. 4).	Apr. 16	Armistice between France and China: Incloses decree making the announcement; embargo on rice still continues.	169
115	Mr. Bayard to Mr. Smithers (No. 428).	Apr. 20	Neutrality of United States in war between France and China: Mr. Young's instruction to consul at Foochow to avoid action that can be construed as violation of, approved; incloses instruction to consul-general at Shanghai relative to sale of vessels by Americans to Chinese.	170

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
116	Mr. Bayard to Mr. Smithers (No. 431).	1885. May 4	Citizenship status of J. F. Pearson, born of American father and Chinese mother: Nationality of mother would not affect case if the son is legitimate, unless father was citizen of State prohibiting marriage with Chinese; his legitimacy should be proved by his applying for passport; opinion of law officer of Department inclosed.	171
117	Same to same (No. 439)	June 1	Contraband of war: Department prefers to await specific cases before deciding what articles are and what are not contraband; general question discussed.	172
118	Mr. Denby to Mr. Bayard (No. 14).	Oct. 14	Navy of China: Decrees from throne providing for its reorganization inclosed.	173
119	Same to same (No. 17)	Oct. 16	Defenses of coast of China: Memorial of Tso, late viceroy at Nanking, to throne, advocating adoption of Western armaments, vessels, guns and machinery, railroads, and telegraphs; his suggestions as to navy are being adopted; Western aid will be needed in developing the country.	174
120	Same to same (No. 34)	Nov. 5	Railroad construction in China: Its advocacy by Viceroy Li; exhibition of complete model of an American railroad before imperial household at Peking; great interest evinced by the imperial family; good results hoped to follow; American railroad system particularly adapted to China.	180

CORRESPONDENCE WITH THE LEGATION OF CHINA AT WASHINGTON.

121	Mr. Bayard to Mr. Cheng Tsao Ju.	1885. Apr. 24	Canton indemnity: Return of residue of, to China, less \$130,000, on settlement of claim of Charles E. Hill vs. China for loss of steamer Keorgeor; draft for \$453,400 and triplicate receipts for signature will be handed him by officer of Department.	181
122	Mr. Cheng Tsao Ju to Mr. Bayard.	Apr. 25	Canton indemnity: Return of residue of, to China; acknowledges draft for \$453,400.90, being remainder after deducting \$130,000, in payment of claim of Charles E. Hill vs. China; appreciation of generosity of United States; receipts on behalf of China and of heirs of Charles E. Hill inclosed.	182
123	Same to same	Aug. 5	Emigration (Chinese) to United States: Memorandum requesting issue of a fixed form of certificate allowing Chinese of exempted classes to enter United States, and also appropriate instructions to consul at Canton and consuls in countries where Chinese merchants have intercourse with United States.	184
124	Mr. Bayard to Mr. Cheng Tsao Ju.	Aug. 11	Emigration (Chinese) to United States: Certificates to enable exempted classes to enter United States; instructions will be sent to consul at Hong Kong; suggestion of fixed form of certificate will be submitted to Secretary of Treasury; list of ports from which exempted classes are likely to leave for United States requested.	185
125	Mr. Cheng Tsao Ju to Mr. Bayard.	Aug. 17	Emigration (Chinese) to United States: Gives list of ports from which exempted classes are likely to leave for United States, and where there is no Chinese official to issue them certificates.	186
126	Same to same	Sept. 11	Outrages by killing and wounding of Chinese by mob at Rock Springs, Wyo.: Consuls of China have been sent with interpreter to investigate; asks for protection and facilities for them.	187
127	Mr. Bayard to Mr. Cheng Tsao Ju.	Sept. 11	Outrages by killing and wounding of Chinese by mob at Rock Springs, Wyo.: Two United States Army officers will meet Chinese consuls at Ogden, accompany them to Rock Springs, and protect them during their investigation.	187
128	Same to same	Sept. 12	Outrages by killing and wounding of Chinese by mob at Rock Springs, Wyo.: Letter of Adjutant-General stating detailing of two officers to protect Chinese officials during their investigation inclosed.	188

CORRESPONDENCE WITH THE LEGATION OF CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
129	Mr. Cheng Tsao Ju to Mr. Bayard.	1885. Sept. 14	Outrages by killing and wounding of Chinese by mob at Rock Springs, Wyo.: Thanks for detail of Army officers to protect Chinese officials during their investigation.	188
130	Mr. Porter to Mr. Cheng Tsao Ju.	Sept. 14	Outrages by killing and wounding of Chinese by mob at Rock Springs, Wyo.: District attorney instructed to aid investigation and bring the perpetrators of the outrage to justice.	189
131	Mr. Cheng Tsao Ju to Mr. Porter.	Sept. 15	Outrages by killing and wounding of Chinese by mob at Rock Springs, Wyo.: Thanks for instructions to district attorney to aid investigation and bringing perpetrators to justice.	189
132	Mr. Porter to Mr. Cheng Tsao Ju.	Sept. 15	Outrages by killing and wounding of Chinese by mob at Rock Springs, Wyo.: Date of departure from San Francisco of Chinese investigating commission has been communicated to Secretary of War that military officers may meet them at Ogden.	190
133	Same to same.....	Sept. 17	Outrages by killing and wounding of Chinese by mob at Rock Springs, Wyo.: Colonel McCook and Lieutenant Groesbeck have accompanied Chinese investigation commission to Rock Springs.	190
134	Mr. Cheng Tsao Ju to Mr. Porter.	Sept. 17	Outrages by killing and wounding of Chinese by mob at Rock Springs, Wyo.: Chinese investigating commission have arrived at Rock Springs accompanied by United States Army officers.	190
135	Mr. Porter to Mr. Cheng Tsao Ju.	Sept. 19	Outrages against Chinese: Threats of Knights of Labor in Wyoming; telegram relative to, communicated to Secretary of War and Attorney-General for adoption of preventive measures.	191
136	Same to same.....	Sept. 19	Emigration (Chinese) to United States: Evidence to allow exempted classes to land in United States; consular officers can issue certificates of identity in any form satisfactory to collector at port of entry; Treasury circulars as to admittance of Chinese inclosed.	191
137	Mr. Cheng Tsao Ju to Mr. Bayard.	Oct. 17	Outrages by killing of Chinese and burning of their dwellings at Seattle, Wash. Ter.: Threats of expelling all Chinese; protection by governor of Washington Territory requested.	193
138	Mr. Bayard to Mr. Cheng Tsao Ju.	Oct. 21	Outrages by killing of Chinese and burning of their dwellings at Seattle, Wash. Ter.: Governor of Washington Territory has been directed to take measures to prevent forcible expulsion of Chinese.	194
139	Same to same.....	Oct. 28	Outrages upon Chinese by killing them and burning their dwellings at Seattle, Wash. Ter.: Governor of the Territory reports his ability to protect lives and property of Chinese.	194
140	Same to same.....	Nov. 2	Outrages upon Chinese at Seattle Wash. Ter.: Persons accused of killing Chinese under indictment for murder; governor of Territory able to preserve order; troops can be called out if necessary.	195
141	Mr. Cheng Tsao Ju to Mr. Bayard.	Nov. 4	Outrages against Chinese at Seattle, Wash. Ter.: Thanks for precautions to prevent outbreak against Chinese.	195
142	Same to same.....	Nov. 5	Outrages against Chinese at Tacoma and Seattle, Wash. Ter.: Several hundred Chinese driven out of Tacoma; merchants given one day to leave; authorities inactive; protection guaranteed by treaty invoked.	196
143	Mr. Bayard to Mr. Cheng Tsao Ju.	Nov. 5	Outrages against Chinese in Washington Territory: Cases of outrage referred to Secretary of Interior for action.	196
144	Mr. Cheng Tsao Ju to Mr. Bayard.	Nov. 7	Outrages against Chinese in Washington Territory: Chinese ordered to leave Seattle; governor refuses troops to mayor of Seattle; telegram from Chinese consul-general inclosed.	197
145	Mr. Bayard to Mr. Cheng Tsao Ju.	Nov. 7	Outrages against Chinese in Washington Territory: President's proclamation enjoining order and authorizing the employment of the military; orders have been issued to United States troops to enforce the laws.	197
146	Mr. Cheng Tsao Ju to Mr. Bayard.	Nov. 9	Outrages against Chinese in Washington Territory: Thanks for prompt efforts of United States in suppressing lawless combinations against the Chinese.	198

COLOMBIA.

No.	From and to whom.	Date.	Subject.	Page.
147	Mr. Scruggs to Mr. Frelinghuysen (No. 180).	1884. Dec. 23	Civil war in Colombia: President has issued proclamation declaring Santander, Boyacá, Cundinamarca, and districts of Bolivar and Magdalena in a state of civil war. Suggests that American naval vessel be sent to Colombia.	198
148	Same to same (No. 182).....	Dec. 26	Naturalization: Points out its abuses by foreigners, owing to lax administration of naturalization laws in United States. Case of Aurelio F. Pinzon, a native and resident of Colombia; he requests protection; his certificate of naturalization fraudulently obtained after four years' residence in United States; his case one of many.	199
149	Same to same (No. 187).....	1885. Jan. 11	Civil war in Colombia: Movements of the insurgents; Magdalena River in possession of revolutionists; renews request for naval vessel; mails robbed by insurgents; Bogota cut off from mail and telegraphic communication.	201
150	Mr. Frelinghuysen to Mr. Scruggs (No. 19).	Jan. 20	Civil war in Colombia: Naval vessel has been stationed at Panama and Colon to protect American interests; telegram from United States naval commander announcing revolution and his arrival at Aspinwall.	202
151	Mr. Scruggs to Mr. Frelinghuysen (No. 188).	Jan. 20	Civil war in Colombia: Deplorable condition of the country; lawlessness and savagery of insurgents; mails systematically robbed; forced loans and seizures of property; all banks but two have suspended; foreigners thus far have escaped outrages, owing to vigilance of diplomatic corps.	203
152	Same to same (No. 190).....	Jan. 30	Citizenship: All persons born in Colombia declared Colombian citizens regardless of the father's nationality: passports will still be granted to such persons, with caution that it will not necessarily protect the person in Colombia; notice of foreign office as to citizenship inclosed.	204
153	Same to same (No. 194).....	Feb. 23	Asylum: Right of, in legations in foreign countries; abuse of the right by Argentine minister in harboring in his legation a Colombian against whom an order of arrest had been issued; Colombia protests; foreign representatives reply, affirming right of asylum, but condemning its abuse; circular note of minister for foreign affairs and reply of Mr. Scruggs inclosed.	205
154	Mr. Frelinghuysen to Mr. Scruggs (No. 22).	Feb. 25	Civil war in Colombia: Dispatch from consul at Barranquilla, stating seizure of property of Americans by insurgents; question of accountability for spoliation by insurgents open; <i>de facto</i> government accountable for its own spoliations.	207
155	Mr. Scruggs to Mr. Frelinghuysen (No. 195).	Mar. 4	Citizenship: Colombia claims as its citizens children born in Chili, but residing in Colombia, whose father was a British-born subject and the mother born in Colombia of British parents; correspondence between minister of foreign affairs and British minister.	208
156	Mr. Scruggs to Mr. Bayard (No. 200).	Apr. 7	Blockade of Colombian ports, and declaration that vessels in possession of insurgents are pirates by government decree: Colombia requests that arms be not exported from United States to ports held by revolutionists; telegram sent at request of Colombia; Mr. Scruggs has suggested impracticability of the decree.	209
157	Same to same (No. 201).....	Apr. 16	Neutrality of Isthmus of Panama: Guarantee of, by United States; requests United States troops be sent to isthmus to insure neutrality and sovereignty; correspondence with minister for foreign affairs inclosed.	209
158	Mr. Bayard to Mr. Scruggs (No. 34).	May 15	Civil war in Colombia: Naval vessels of Atlantic and Pacific squadron have been ordered to Colombian waters.	210
159	Same to same (No. 36).....	May 16	Citizenship status of Aurelio F. Pinzon: No obligation of United States to protect him, as his naturalization certificate was obtained by fraud.	211
160	Same to same (No. 37).....	May 19	Seizure of vessels of United Magdalena Steam Navigation Company, belonging to Americans, by Colombian revolutionists: Orders issued to United States naval forces to recapture the vessels; reports of law solicitor of department and letters from president of steamship company inclosed.	211

COLOMBIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
161	Mr. Bayard to Mr. Scruggs (No. 48).	1885. June 16	Asylum: Right of, in legations in foreign countries; reviews history of extraterritorial rights of ambassadors; modified by modern usage; exercise of right of asylum by United States representatives can be allowed to protect persons from mob violence, but attempts to harbor offenders against laws of foreign countries will not be countenanced; instructed to verbally correct wrong impression made by his note to foreign office.	214
162	Mr. Scruggs to Mr. Bayard (No. 221).	July 21	Civil war in Colombia: Insurgents in possession of all boats but one on Magdalena River; insurgent forces, 3,500 men; Government forces, 8,000 men; quiet in interior; Bogota practically under siege; siege of Carthagena abandoned; insurgents hold Barranquilla.	216
163	Same to same (No. 223).....	Aug. 11	Civil war in Colombia: Barranquilla evacuated by insurgents; rebel Prestan captured; insurgents still control Magdalena River; quiet in interior; financial distress in interior unprecedented.	217
164	Same to same (No. 230).....	Aug. 29	Civil war in Colombia: Capture of rebel flotilla in Magdalena River; insurgents' leader, Gaitan, captured; suppression of insurrection probable, but troubles liable to break out afresh.	218
165	Same to same (No. 232).....	Sept. 3	Asylum: Right of, in legations in foreign countries; wrong impression created by his note to foreign office relative to abuse of the right by Argentine minister has been corrected.	218
166	Same to same (No. 234).....	Sept. 17	Civil war in Colombia: Navigation of Magdalena River opened by capture of rebel flotilla; civil war suppressed for the present with exception of guerrilla bands in remote districts.	219
167	Same to same (No. 239).....	Oct. 2	Custom-houses to be established at Panama and Colon for collection of duties: Apprehensions of interference, in consequence, with freedom of Isthmian transit expressed to minister for foreign affairs; decree and articles of fiscal code inclosed.	220
168	Same to same (No. 240).....	Oct. 3	Duties paid by consignees to insurgents: Decree issued imposing 50 per cent. fine in case of refusal to pay duty on same goods to Government; Mr. Scruggs protests; foreigners exempted; further suggestion made that foreign interests be exempted; american consignees will probably not be affected; memorandum to foreign office.	221
169	Same to same (No. 241).....	Oct. 3	Civil war in Colombia: Capture and execution of rebel leader Prestan; insurgents Aizpuru and Gaitan captured; they will be banished.	223
170	Mr. Bayard to Mr. Jacob (No. 2).	Nov. 3	Custom-houses to be established at Panama and Colon for collection of duties: Apprehension of interference with free transit across Isthmus guaranteed by treaty of 1846; instructed to impress upon Colombia importance of free and unobstructed use of the transit; letter from consul-general at Panama, decree of President of Colombia, newspaper article, and correspondence with A. Lazarus & Co., inclosed.	223
171	Mr. Bayard to Mr. Scruggs (No. 72).	Nov. 17	Duties paid by consignees to insurgents: Decree imposing 50 per cent. fine in case of refusal to pay duties on same goods to Government; Mr. Scruggs's protest approved; note to Colombian minister inclosed; gratification at expected revocation of the decree.	229
172	Same to same (No. 74).....	Nov. 19	Custom-houses to be established at Panama and Colon for collection of duties: Mr. Scruggs's action in urging necessity for providing for freedom of transit across the Isthmus approved; instructions to new minister inclosed.	230
173	Mr. Scruggs to Mr. Bayard (No. 257).	Nov. 25	Death of General Eustorjio Salgar, ex-President of Colombia: Outline of his career; eulogizes him.	230

CORRESPONDENCE WITH THE LEGATION OF COLOMBIA AT WASHINGTON.

No.	From and to whom.	Date.	Subject.	Page.
174	Mr. Becerra to Mr. Frelinghuysen.	1885. Mar. 2	Neutrality of United States: Violation of, by Benjamin Gaitan, who is negotiating for purchase of war vessels and supplies for Colombian insurgents in New York; asks prevention of same.	231
175	Mr. Arosemena to Mr. Becerra (telegram).	Mar. 2	Neutrality of United States: Violation of, through seizure of the Game Cock, to be used to transport insurgents; instructed to communicate to the United States under what conditions she sails.	232
176	Mr. Bayard to Mr. Becerra..	Mar. 10	Neutrality of United States: Violation of, by Benjamin Gaitan at New York, in fitting out expeditions against Colombia; proper authorities have been informed.	232
177	Same to same	Mar. 11	Neutrality of United States: Violation of, through aid to Colombian insurgents; detention of steamer Albano at New York, alleged to have arms on board for Colombian insurgents; specific information against Albano desired; correspondence with Attorney-General and district attorney at New York.	232
178	Mr. Becerra to Mr. Bayard ..	Mar. 12	Neutrality of United States: Violation of, by steamer Albano in carrying arms for Colombian insurgents from New York; gives information against the Albano; asks that the sending of arms to insurgents be prevented.	234
179	Mr. Bayard to Mr. Becerra ..	Mar. 13	Neutrality of United States: Violation of, by steamer Albano in carrying arms for Colombian insurgents from New York; note of minister giving particulars sent to Attorney-General; suggests co-operation of Colombian consul at New York with district attorney in substantiating facts.	236
180	Mr. Becerra to Mr. Bayard ..	Mar. 17	Neutrality of United States: Violation of, in sending arms from United States to Colombian insurgents; states that schooner George W. Whitford, with arms for insurgents, has sailed from New York; complains that the steamer Albano was allowed to depart in spite of his protest.	236
181	Mr. Bayard to Mr. Becerra ..	Mar. 20	Neutrality of United States: Violation of, by alleged sending of arms to Colombian insurgents from New York; authorities in New York are exercising vigilance; steamer Albano carried no arms for Colombian ports; sailing vessels may leave without clearing papers; authorities directed to report suspicious circumstances connected with them.	237
182	Same to same	Mar. 25	Neutrality of United States: Violation of, by sending of arms to Colombian insurgents; statutory provisions will be enforced; existence of rebellion in Colombia does not authorize obstruction of ordinary commerce in arms between citizens of United States and of Colombia; armed vessels and military expeditions only can be affected under statute law.	238
183	Same to same	Mar. 27	Neutrality of United States: Alleged violation of, by schooner George W. Whitford and steamer Albano, in shipping arms to Colombian insurgents; gives manifest of Albano, showing amount of arms carried; nothing unlawful in the transaction; schooner George W. Whitford shows no arms on her manifest; gives information relative to Colombians Tuana and Gaitan, alleged agents of insurgents.	238
184	Mr. Becerra to Mr. Bayard ..	Apr. 2	Civil war in Colombia: Burning of Colon; imprisonment of United States consul and an American naval officer, and disturbances at Panama by desperadoes; hopes that United States naval forces will be sent to preserve neutrality of Isthmus; disclaims responsibility of Colombia for acts perpetrated in absence of troops called elsewhere by civil war.	239
185	Same to same	Apr. 3	Civil war in Colombia: States its scope; quiet is rapidly being enforced by Government troops; outrages at Colon and Panama caused by desperadoes and convicts, not by Colombian revolutionists.	242
186	Same to same	Apr. 4	Complaints of telegram of commander of U. S. S. Galena, at Aspinwall, stating his capture of insurgents, but fear of their escape if delivered to Colombian authorities.	244

CORRESPONDENCE WITH THE LEGATION OF COLOMBIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
187	Mr. Becerra to Mr. Bayard..	1885. Apr. 4	Transit across Isthmus of Panama: Protection of, by United States troops; reviews interview with Secretary of State relative to; expresses satisfaction at orders given to American forces; regrets that United States marines did not assist Colombian authorities, and thus prevent burning of Aspinwall.	244
188	Mr. Bayard to Mr. Becerra..	Apr. 6	Complaint of Colombian minister of language of commander of U. S. S. Galena, in telegram announcing capture of insurgents who burned Aspinwall: Disclaims all intention of discourtesy to Colombia; actual commander of Colombian troops was a matter of doubt.	247
189	Same to same.....	Apr. 6	Civil war in Colombia: Telegram to commanders of Colombian troops at Panama and Aspinwall could not be delivered, owing to capture of one and illness of another; letter from President of Central and South American Telegraph Company.	248
190	Mr. Becerra to Mr. Bayard..	Apr. 7	Civil war in Colombia: Incloses telegrams from commanders of Colombia troops, stating Panama in possession of rebels.	249
191	Mr. Bayard to Mr. Becerra..	Apr. 8	Seizure of tug Game Cock by Colombian insurgents: Game Cock not owned by United States citizens, and her employment by an American corporation would not entail obligation of protection as if she carried United States flag.	249
192	Mr. Becerra to Mr. Bayard..	Apr. 8	Civil war in Colombia: Suggests that American forces sent to keep open interoceanic transit be ordered to prevent outrages and pillage at Panama.	250
193	Same to same.....	Apr. 8	Complaint of Colombian minister of language of commander of U. S. S. Galena, in stating he feared the escape of insurgents who burned Colon if he delivered them to Colombian authorities: Satisfaction at explanation given; refers to anomaly of insurgents being imprisoned on board a United States vessel; states who are the constituted authorities on the Isthmus.	250
194	Same to same.....	Apr. 9	Blockade of Colombian ports of Sabanilla, Santa Marta, and Barranquilla, held by insurgents, declared by decree; trade carried on with ports named considered contraband; vessels at Cartagena Bay in possession of insurgents declared by decree without the pale of international law.	252
195	Same to same.....	Apr. 21	Neutrality of United States: Violation of, by aid furnished Colombian insurgents by steamer City of Mexico; complains of action of the steamer in carrying arms to insurgents, and committing outrages while flying American flag; requests apprehension of her captain and crew in New York.	253
196	Mr. Bayard to Mr. Becerra..	Apr. 22	Neutrality of United States: Violation of, by steamer City of Mexico in aiding Colombian insurgents; minister's note sent to Attorney-General; complaint must be made under oath, with testimony of witnesses to institute judicial proceedings.	254
197	Same to same.....	Apr. 24	Blockade of Colombian ports of Sabanilla, Santa Marta, and Barranquilla, held by insurgents, declared by decree: United States does not consider the ports closed except by an effective blockade; precedents and international law cited; vessels manned by Colombian insurgents cannot be deemed piratical, unless by performance of piratical acts; United States naval vessels will recover floating property of United States citizens.	542
198	Mr. Becerra to Mr. Bayard (telegram).	Apr. 27	Civil war in Colombia: Insurgent leader Aizpurú arranged with American admiral that United States forces should retire, Aizpurú to maintain order in Panama until arrival of Government troops; battle to be fought in open country.	259
199	Mr. Bayard to Mr. Becerra..	Apr. 30	Neutrality of United States: Violation of, by aid furnished Colombian insurgents by steamer City of Mexico; incloses letter from district attorney at New York requesting certain statements from minister for use in case.	259

CORRESPONDENCE WITH THE LEGATION OF COLOMBIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
200	Mr. Bayard to Mr. Becerra..	1885. Apr. 30	Neutrality of United States: Violation of, by steamer City of Mexico, in aiding Colombian insurgents; case against vessel set for trial on 5th proximo; information desired by district attorney should be furnished at once.	260
201	Mr. Becerra to Mr. Bayard..	May 1	Neutrality of United States: Violation of, by aid furnished Colombian insurgents by steamer City of Mexico; gives information desired by district attorney at New York relative to Colombian rebellion for use in case against the vessel.	261
202	Mr. Bayard to Mr. Becerra..	May 2	Neutrality of United States: Violation of, by aid furnished Colombian insurgents by steamer City of Mexico; information for use in case against vessel forwarded to district attorney at New York.	262
203	Mr. Becerra to Mr. Bayard..	May 4	Neutrality of United States: Violation of, feared by Colombian insurgent agents at New York in fitting out the Clarabel; requests preventive measures.	262
204	Mr. Bayard to Mr. Becerra..	May 4	Neutrality of United States: Violation of, feared through fitting out of the Clarabel to aid Colombian insurgents; she will be watched.	263
205	Same to same	May 9	Neutrality of United States: Violation of, feared through fitting out of the Clarabel to aid Colombian insurgents; Secretary of Treasury has ordered collector at New York to keep watch on all ves-els.	264
206	Same to same.....	May 11	Neutrality of United States: Violation of, through aid furnished Colombian insurgents by the Clarabel; vessel not under charter by any person; no grounds for interfering with her sailing.	264
207	Mr. Becerra to Mr. Bayard..	May 14	Pirates: Decree of Colombia declaring insurgents in possession of war vessels pirates; argument in support of soundness of the decree and in opposition to position of Department holding it not binding.	264
208	Same to same.....	May 27	Neutrality of United States: Violation of, by brig Ambrose Light, captured by U. S. S. Alliance under suspicion of aiding Colombian insurgents; states she was purchased for the transportation of troops.	269
209	Mr. Bayard to Mr. Becerra..	June 1	Neutrality of United States: Violation of, by brig Ambrose Light, captured by U. S. S. Alliance; note giving information against Ambrose Light forwarded to Attorney-General.	269
210	Same to same.....	June 1	Duties paid by consignees to insurgents: Decree imposing fine of 50 per cent. in case of refusal to pay duty again to Government; protests and hopes for reconsideration of decree; declaration of blockade not sufficient to warrant it; decree, protest of foreign consuls at Barranquilla, and reply of Colombian Government inclosed.	269
211	Same to same	June 15	Blockade, by Government decree, of Colombian ports held by insurgents: Gratification that minister has not deemed it necessary to controvert position of United States. Pirates: Affirms position of United States that insurgents cannot be made pirates by decree; they may become so by their acts; examples and precedents cited.	272
212	Same to same.....	June 16	Neutrality of United States: Violation by brig Ambrose Light, captured by U. S. S. Alliance; failure of Colombian consul at New York to confer with district attorney relative to case against the vessel.	275
213	Mr. Becerra to Mr. Bayard..	June 18	Neutrality of United States: Violation of, through purchase of steamer Vertumnus by insurgents, to be armed at New York; asks that this be prevented.	275
214	Same to same.....	June 18	Neutrality of United States: Violation of, by brig Ambrose Light, captured by U. S. S. Alliance; regrets failure of Colombian consul at New York to communicate with district attorney; explanation requested of consul and instruction to him to act zealously; desires apologies conveyed to Department of Justice.	276

CORRESPONDENCE WITH THE LEGATION OF COLOMBIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
215	Mr. Bayard to Mr. Becerra..	1885. June 19	Neutrality of United States: Violation of, through purchase of steamer Vertumnus by Colombian insurgents, to be armed at New York; Attorney-General asked to take proper action; complaint must be made under oath before magistrate to begin proceedings; district attorney will aid agent of Colombia in making out a case.	276
216	Same to same.....	June 20	Neutrality of United States: Violation in aiding Colombian insurgents by brig Ambrose Light, captured by U. S. S. Alliance; regret of minister at delay of Colombian consul at New York in conferring with district attorney made known to Attorney-General.	277
217	Same to same.....	June 22	Neutrality of United States: Violation in aiding Colombian insurgents by brig Ambrose Light, captured by U. S. S. Alliance; letter from district attorney at New York pointing out discrepancies in statements of Colombian minister and Colombian consul at New York.	277
218	Same to same	July 3	Neutrality of United States: Violation of, by aiding Colombian insurgents by brig Ambrose Light, captured by U. S. S. Alliance; letter from district attorney at New York, showing that transfer of vessel was not made within United States jurisdiction in violation of neutrality laws.	278
219	Mr. Holguin and Mr. Becerra to Mr. Bayard (telegram).	July 31	Civil war in Colombia: Barranquilla taken by Government forces and port opened; insurgent Prestan taken and tried.	279
220	Mr. Bayard to Mr. Holguin and Mr. Becerra (telegram).	July 31	Civil war in Colombia: Satisfaction at recovery of Barranquilla and speedy pacification of Colombia.	280
221	Mr. Becerra to Mr. Bayard (telegram).	Aug. 28	Civil war in Colombia: Peace announced; insurgent Prestan hanged at Colon.	280
222	Same to same.....	Dec. 3	Duties paid by consignees to insurgents: Amended decree issued imposing second payment of duties to Government, and 50 per cent. penalty in case of refusal, only in case of voluntary payment to insurgents.	280
223	Mr. Bayard to Mr. Becerra.	Dec. 11	Claims of foreigners growing out of civil war in Colombia; incloses decree prescribing mode and means of payment. Duties paid by consignees to insurgents: Amended decree imposing second payment of duties to Government, and 50 per cent. penalty in case of refusal, only in case of voluntary payment to insurgents; justice and reasonableness require that voluntary payment to insurgents should be assumed on positive proof only.	281

CONGO.

224	Mr. Frelinghuysen to Mr. Tisdell (No. 1).	1884. Sept. 8	Instructions to agent: Reports to be made on political, social, geographical, and commercial conditions of Congo and American products likely to find a market; declaration by Congo Association announcing its establishment inclosed.	282
225	Mr. Tisdell to Mr. Frelinghuysen.	Nov. 23	Trade and philanthropic possibilities in the Congo: Establishing of the International Association of the Congo and its objects; suppression of slave trade aimed at; King of Belgium president of the Association; vast sums expended by him; expense of administration to be defrayed by him; list of national committees of International Congo Association; treaties concluded with chiefs; river frontage of Congo; stations of Association; manifesto of the International Association.	285
226	Mr. Frelinghuysen to Mr. Tisdell (No. 6).	Dec 13	Mission to Congo defined as being geographical rather than political.	293
227	Mr. Tisdell to Mr. Bayard...	1885. Apr. 25	Description of low countries and Lower Congo: American merchants advised not to establish themselves unless possessing large capital; Dutch, English, and German companies; their elaborate system of trading; little merchandise imported from the Congo proper; barbarism and sloth of natives; gin and cloth principal articles of barter; climate unhealthy; principal exports and imports; description of country and people.	294

CONGO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
228	Mr. Tisdell to Mr. Bayard...	1885. June 29	Journey in Congo country: Difficulties of transportation; principal stations described; warlike character of natives; their cruelty, treachery, and depravity; native customs and habits; cloth coming into use; cheap finery much prized; education of natives apparently impossible; women the laborers; slavery still exists; little trade from Upper Congo; sterility of country; little animal life; climate deadly to Europeans; no government within Congo Valley; Congo Association unable to obtain soldiers or revenue; contract to be entered into by employés of Congo Association, and letters to Admiral English inclosed.	300

COREA.

229	Mr. Foulk to Mr. Frelinghuysen.	1884. Oct. 10	Journey into interior of Corea: Observations on manners and customs; products and occupations of inhabitants; description of towns and fortresses; cultivation of ginseng.	315
230	Mr. Foote to Mr. Frelinghuysen (No. 127).	Dec. 5	Assassination attempt upon life of Min Yong Ik, recently Korean envoy to the United States, at a dinner party; details occurrence.	331
231	Same to same (No. 128).....	Dec. 17	Revolution in Corea caused by opposition to progressive policy of Government; principal ministers killed; their places taken by opponents to the progressive movement; King protected by Japanese troops; hostility of populace to Japanese; Japanese legation and private houses burned; Japanese troops withdrawn to Chemulpo; asylum given in the United States legation to Japanese and other foreigners; King bespeaks Mr. Foote's good offices with Japanese Government; report of Ensign Foulk, naval attaché, upon Korean politics; list of prominent nobles.	332
232	Same to same (No. 140).....	1885. Jan. 9	Japan and Corea: Difficulties between, growing out of Korean revolution, amicably adjusted; Corea pays indemnity; convention inclosed.	343
233	Mr. Foulk to Mr. Frelinghuysen (No. 146).	Jan. 31	Political: King reported to have given over Government exclusively to ministerial body; barbarous executions of persons implicated in revolution; populace of Seoul fled in terror, but later returned; Chinese representatives with troops within Seoul; Japanese chargé and troops outside city; contracts with Americans will be carried out.	344
234	Same to same (No. 148).....	Feb. 10	Political: Chinese ambassadors and troops leave Seoul; long conference of King with them; officials petitioning King for execution of female relations of conspirators who are hiding in Japan dismissed from office and memorial disapproved.	345
235	Same to same (No. 150).....	Mar. 1	Protection of the United States legation by Japanese troops during a conflagration in vicinity: Japanese chargé thanked.	345
236	Same to same (No. 151).....	Mar. 5	Hospital to be established by Korean Government under management of Dr. H. N. Allen, an American; services of Dr. Allen to wounded Koreans.	346
237	Mr. Bayard to Mr. Foulk (No. 35).	Mar. 19	Torturing of Korean conspirators regarded as brutal.	346
238	Same to same (No. 38).....	Apr. 30	Protection of the United States legation by Japanese troops during a conflagration: Japanese Government has been thanked through the United States minister to Japan.	347
239	Mr. Foulk to Mr. Bayard (No. 76.)	May 30	Hospital established by Government at Seoul, under charge of Dr. Allen, an American: Its successful operation; Korean young men and women selected to study medicine at the hospital.	347
240	Same to same (No. 177).....	May 30	Political: Affairs peaceful; probable return from China of father of King, the ex-regent; its significance; insurrections against local governors caused by excessive taxation; feeling against conspirators who fled to Japan weakening; Corea slowly paying indemnity to Japan.	348

COREA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
241	Mr. Foulk to Mr. Bayard (No. 193).	1885. July 5	Coal fields: Discovery of, in Corea; they are to be worked by an American and a Chinese company.	349
242	Same to same (No. 198)	July 10	Political: Return of King's father from China desired by people but dreaded by nobles; withdrawal of Chinese and Japanese soldiers from Seoul; apprehension felt by foreigners in consequence.	349
243	Same to same (No. 203)	July 22	Troops (Chinese and Japanese) peacefully withdrawn from Corea: Korean soldiers to protect foreign legations in absence of police.	350
244	Same to same (No. 205)	July 23	Political: Re-establishment of home office, abolished during revolutionary troubles; King resumes active participation in affairs.	350
245	Same to same (No. 207)	July 26	Protection of foreign legations in Seoul: Corea provides a guard of soldiers for each; formal request made for protection in several cases, but not by Mr. Foulk; rules for the guard inclosed.	351
246	Same to same (No. 224)	Sept. 2	Military forces of Corea: Means adopted to render them effective; 4,000 troops in Seoul; military supplies purchased.	352
247	Same to same (No. 225)	Sept. 4	Farm styled "American farm" established near Seoul in 1883, on return of embassy from United States: Its flourishing condition; seeds distributed throughout country; blooded stock imported; importance of project to Corea.	353
248	Same to same (No. 231)	Sept. 25	Telegraph line to be constructed from Seoul to Peking via Chemulpo by Chinese: Terms stated; proclamation of Chinese superintendent of telegraphs inclosed.	354
249	Same to same (No. 235)	Sept. 30	Telegraph line from Seoul to Peking: Portion between Chemulpo and Seoul completed; line to Peking to be in operation in sixty days.	356
250	Same to same (No. 237)	Oct. 14	Political: Return to Corea of father of King and ex-regent, accompanied by Chinese troops; enthusiastic reception by populace; execution, by order of Queen, of persons engaged in his conspiracy in 1883; further executions stopped by Chinese general; arrival of Russian chargé and British consul-general.	356
251	Same to same (No. 238)	Oct. 14	Russia and Corea: Arrival of Russian chargé to negotiate for a Russian-Corean overland trading-post; sites proposed; boundary question between Corea and Russia to be settled.	358
252	Same to same (No. 239)	Oct. 14	Customs service of Corea: Appointment by China of H. F. Merrill, an American, as inspector-general; customs service corrupt and confused.	358
253	Same to same (No. 241)	Oct. 15	Chemulpo: Necessity of a consular representative at; Great Britain, Germany, and Japan so represented; increasing importance of trade.	359
254	Same to same (No. 243)	Oct. 20	Political: Interview with father of King; his intelligence and vigor; probability of his participation in politics; China trying to gain his influence; his relations with Queen	360
255	Same to same (No. 245)	Oct. 21	Russia and Corea: Ratification of treaty between, similar to those made with Great Britain and Germany; negotiation for trading-post postponed; decoration of P. G. von Mollendorff by Russia.	361

CORRESPONDENCE WITH THE LEGATION OF DENMARK AT WASHINGTON.

256	Mr. de Lövenörn to Mr. Bayard.	1885. Aug. 27	Tonnage duty: Removal of, on vessels coming from certain ports of North, Central, and South America, in accordance with shipping act of June 26, 1884; same treatment claimed for vessels from Danish ports under most favored nation clause of treaty of 1826; question of entire suspension of tonnage duties, as provided for by act, in return for reciprocal concessions, reserved.	362
257	Mr. Bayard to Mr. de Lövenörn.	Nov. 7	Tonnage duty: Removal of, on vessels coming from certain ports in North, Central, and South America, in accordance with shipping act of June 26, 1884; in opinion of Attorney-General, the discrimination geographical, inuring to vessels of any nation from ports mentioned in act; claim to exemption for vessels coming from Belgium, under most favored nation clause of treaty of 1826, unwarranted.	363

FRANCE.

No.	From and to whom.	Date.	Subject.	Page.
258	Mr. Morton to Mr. Bayard (No. 737).	1885. Mar. 25	Contraband of war: Declaration of France that rice shipped to certain Chinese ports is contraband; Great Britain, Denmark, and Sweden and Norway protest; Germany, Austria, Spain, Portugal, and Netherlands acquiesce; legality of seizures to be submitted to prize courts at Paris; British Government agrees, reserving diplomatic action; correspondence between French and British foreign offices inclosed.	363
259	Same to same (No. 774).....	May 13	Pork (American): Prohibition of its importation into France; bill pending cancelling prohibition and substituting inspection to apply to all countries; Mr. Morton has urged passage of measure; note from minister for foreign affairs inclosed.	367
260	Mr. Bayard to Mr. McLane (No. 9).	June 1	Pork (American): Prohibition of its importation into France; hopes for cancellation of prohibition, or at least its replacement by practical measures without discrimination.	368
261	Mr. McLane to Mr. Bayard (No. 24).	June 16	Pork (American): Prohibition of its importation into France; no confidence that prohibition will be repealed by Chambers; its repeal by decree of President will be urged after elections.	368
262	Same to same (No. 27).....	June 17	Citizenship status of Charles Drevet: He is son of naturalized American, but was never in United States; he desires certificate, required by French law, attesting that he has maintained his original nationality.	369
263	Same to same (No. 28).....	June 23	Statue of "Liberty Enlightening the World": Thanks of French Government for flattering reception of French naval officers bringing statue to New York.	369
264	Same to same (No. 29).....	June 24	China and France: Treaty of Tien-Tsin settling difficulties between, inclosed; France secures commercial advantages and protectorate over Annam.	370
265	Mr. Bayard to Mr. McLane (No. 18).	July 2	Citizenship status of Charles Drevet: Held not an American citizen, because not residing in United States at time of his father's naturalization, and never having visited or intended to reside in United States; passport refused.	373
266	Mr. McLane to Mr. Bayard (No. 36).	July 3	Pork (American): Prohibition of its importation into France; cabinet has decided to facilitate passage of bill repealing prohibition; interviews held with minister of commerce and chairman of committee of deputies, who will use efforts in favor of bill; strong protectionist feeling against it.	373
267	Mr. Bayard to Mr. McLane (No. 20).	July 9	Pork (American): Prohibition of its importation into France; regret that bill to repeal same not likely to pass.	374
268	Mr. Porter to Mr. McLane (No. 21).	July 10	Statue of "Liberty Enlightening the World": Appreciation of France of courtesies to French officers at New York communicated to Secretary of Navy and mayor of New York.	374
269	Mr. McLane to Mr. Bayard (No. 53).	Aug. 7	Pork (American): Prohibition of its importation into France; French Chamber closed sessions without considering bill for admission of American pork.	375
270	Same to same (No. 58).....	Aug. 13	Pork (American): Prohibition of its importation into France; minister for foreign affairs holds legislative authority necessary to annul prohibitory decree; discrimination against American meat denied.	375
271	Mr. Bayard to Mr. McLane (No. 35).	Aug. 31	Pork (American): Prohibition of its importation into France; regret at failure to consider bill allowing importation; prejudicial effect upon public opinion; prohibition unwarranted on sanitary grounds.	376
272	Same to same (No. 37).....	Sept. 1	Petroleum (American): Discrimination against, in favor of Russian petroleum; instructed to investigate and report; letter complaining of discrimination inclosed.	376
273	Mr. McLane to Mr. Bayard (No. 73).	Sept. 25	Pork (American): Prohibition of its importation into France; cancellation of prohibitory decree urged, as unjustifiable on ground of unhealthiness; minister for foreign affairs pleads inability to act without legislative sanction; note to minister for foreign affairs summarizing question inclosed.	377

FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
274	Mr. Bayard to Mr. McLane (No. 48).	1885. Oct. 17	Pork (American): Prohibition of its importation into France; Mr. McLane's presentation of case approved; French executive thought to have ample power to repeal prohibitory decree.	380
275	Mr. McLane to Mr. Bayard (No. 108).	Nov. 20	Pork (American): Prohibition of its importation into France; as result of Mr. McLane's representations, minister for foreign affairs reiterates sanitary reasons for prohibition; no new views presented; protection to agricultural interests true grounds; chambers of commerce of Bordeaux, Marseilles, and Havre protest against prohibition; correspondence inclosed.	381

CORRESPONDENCE WITH THE LEGATION OF FRANCE AT WASHINGTON.

276	Mr. Roustan to Mr. Frelinghuysen.	1885. Feb. 5	Contraband of war: Announcement that France will hereafter rigorously prevent introduction of contraband of war into China; neutral rights will be respected.	383
277	Same to same	Feb. 20	Contraband of war: Rice for Chinese ports declared contraband; French naval commanders will enforce measure from 26th instant.	384
278	Same to same	Feb. 24	Contraband of war: Importation of rice to be allowed at Canton and ports of southern China; when intended for Chinese ports north of Canton it will be treated as contraband.	384
279	Mr. Roustan to Mr. Bayard.	July 31	Seamen's wages: States section 10 of shipping act of June 26, 1884, prohibiting advancing wages to seamen in United States ports, conflicts with article 8 of consular convention; French captains should be allowed to advance wages to French seamen.	384
280	Mr. Bayard to Mr. Roustan.	Aug. 6	Seamen's wages: Alleged conflict of section 10 of shipping act of 1884, prohibiting advancing wages, with consular convention; claim of right of each Government to jurisdiction over its own citizens under consideration.	386
281	Same to same	Aug. 26	Seamen's wages: Contends that section 10 of shipping act, prohibiting payment of advance wages to seamen in American ports, is not in conflict with consular convention of 1853.	386
282	Mr. Roustan to Mr. Bayard..	Sept. 5	Annexation of country of the Ouatchis, West Africa, to France, announced.	389
283	Mr. Bayard to Mr. Roustan..	Sept. 9	Annexation of country of the Ouatchis, West Africa, to France: As United States has not adhered to act of Berlin conference, an opinion as to the announcement cannot be expressed.	390

GERMANY.

284	Mr. Kasson to Mr. Frelinghuysen (No. 94).	1884. Dec. 6	Citizenship status of Karl Klingenmeyer: He was born in Germany after his father, a naturalized American, had given up intention of returning to United States; his passport, obtained by false swearing, canceled; correspondence inclosed.	390
285	Same to same (No. 124)	1885. Jan. 6	Expulsion of Ferdinand Revermann, son of a naturalized American from Germany; Germany will hold naturalized Americans of German birth, remaining over two years in Germany, to have renounced American citizenship; their minor children born in United States considered American citizens, but may be expelled; correspondence with foreign office inclosed.	392
286	Mr. Frelinghuysen to Mr. Kasson (No. 83).	Jan. 15	Citizenship status of minor children of naturalized Americans: Cases of Ludwig Hausding and Johannes Weber; reviews Mr. Kasson's action; interpretation of Revised Statutes bearing upon subject.	394
287	Same to same (No. 84)	Jan. 15	Citizenship status of Karl Klingenmeyer: Withdrawal of his passport approved; reviews case; interpretation of two years' residence clause of treaty of 1868 left to future decision of Supreme Court.	396

GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
288	Mr. Frelinghuysen to Mr. Kasson (No. 95).	1885. Feb. 7	Citizenship status of naturalized Americans remaining over two years in Germany, and of their sons residing in Germany at majority: Position of Germany that naturalized Americans become German citizens by remaining over two years in Germany, and that their sons can be expelled on reaching majority denied; further explanation of position of Germany desired before giving instructions as to expulsion of Revermann.	399
289	Mr. Kasson to Mr. Frelinghuysen (No. 168).	Feb. 14	Citizenship status of Karl Klingemeyer: Reviews case; his interpretation of treaty clause relative to <i>animo revertendi</i> designed to favor <i>bona fide</i> citizens, and not to make American citizenship a passing convenience to foreigners.	401
290	Same to same (No. 179).....	Feb. 20	Convict emigration: Andreas Rausch, an alleged criminal and pauper, prevented at Bremen from emigrating to United States; foreign office denies allegation, as Rausch has served his sentence and has money contributed for his support; term "convict" held by Mr. Kasson to cover persons convicted of crime even after serving out sentence; correspondence inclosed.	402
291	Same to same (No. 189).....	Feb. 27	Citizenship status of naturalized Americans of German birth and their sons resident in Germany: Residence of over two years not held by Germany to cause restoration of German citizenship, but renunciation of American rights; note to foreign office presenting position of United States inclosed.	404
292	Mr. Bayard to Mr. Kasson (No. 117).	Mar. 13	Convict emigration: Case of Andreas Rausch, stopped at Bremen from emigrating to United States; word "convict" held to cover persons convicted of felonious crimes after expiration of sentence.	406
293	Mr. Kasson to Mr. Bayard (No. 223).	Apr. 4	Military service case of Ernst F. Heitmüller: He is fined and imprisoned on unfounded charge of evading military duty; investigation promised by foreign office; inadequateness of naturalization treaty of 1868; correspondence inclosed.	406
294	Same to same (No. 240).....	Apr. 15	Citizenship status of John Geist, a minor, born in United States of father subsequently naturalized, who later renounced American allegiance: Passport refused while he remains in Germany; correspondence and papers in case inclosed.	408
295	Same to same (No. 245).....	Apr. 23	Contraband of war: Declaration of France making rice contraband; danger to food-producing country like United States in admitting doctrine; all products useful to a country at war could be excluded on same principle; newspaper article on controversy between Great Britain and France relative to rice declaration.	411
296	Mr. Bayard to Mr. Kasson (No. 137).	Apr. 23	Military service case of Ernst F. Heitmüller: Mr. Kasson's request for investigation of his imprisonment approved; further instruction will be sent.	414
297	Mr. Bayard to Mr. Pendleton (No. 3).	May 12	Citizenship status of John Geist: He is entitled to a passport as an American citizen; gives reason for decision.	414
298	Mr. Kasson to Mr. Bayard (No. 261).	May 16	Expulsion of Constant A. Golly, a naturalized American, from Alsace-Lorraine, on ground that he intends permanently to reside there and evade military duty: Delay of order of expulsion asked for and denied; correspondence with foreign office.	415
299	Same to same (No. 265).....	May 19	Naturalization treaty: Germany insists on its interpretation of, by which it claims right to expel American citizens of German parentage who remain in Germany more than two years; correspondence with foreign office, giving arguments on both sides, inclosed.	416
300	Mr. Pendleton to Mr. Bayard (No. 13).	June 22	Expulsion from Prussia of Mayer Gad, a naturalized American of Russian birth: He is expelled because immigration from Russia prevents Germanization of territory bordering on Russian Poland; Gad has no intention of returning to United States; correspondence with foreign office inclosed.	419
301	Mr. Bayard to Mr. Pendleton (No. 19).	July 7	Military service case of Charles L. George: He is imprisoned at Strasburg for owing military service; facts stated; no ground for imprisonment; examination and explanation from foreign office should be requested.	420

GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
302	Mr. Bayard to Mr. Pendleton (No. 20).	1885. July 9	Expulsion from Prussia of Mayer Gad, a naturalized American, formerly a Russian: Not being a German he does not come under treaty; United States cannot lawfully object to his expulsion.	423
303	Mr. Pendleton to Mr. Bayard (No. 36).	July 16	Expulsion of David Lemberger from Wurtemberg: He is given alternative of acquiring German citizenship or expulsion; his time of sojourn in Germany has been extended several times by German authorities; correspondence with foreign office.	423
304	Mr. Bayard to Mr. Pendleton (No. 24).	Aug. 1	Expulsion of David Lemberger from Wurtemberg: Expulsion apparently based on idea that his father after naturalization returned to Germany; this not the case; instructed to obtain facts from Lemberger and use same in argument in his behalf with foreign office.	426
305	Mr. Pendleton to Mr. Bayard (No. 47).	Aug. 10	Military service case of Ernst Heitmüller: Return of fine paid to him; mistake in arresting him explained; note from foreign office.	426
306	Same to same (No. 55).....	Aug. 31	Expulsion of David Lemberger from Wurtemberg: Lemberger has applied to resume German allegiance; his father has resided in Germany since 1875; correspondence with M. H. Lemberger and consul at Stuttgart.	427
307	Same to same (No. 100).....	Nov. 2	Military service cases in which legation has intervened: Yearly report on, prepared by Mr. Coleman, secretary of legation, inclosed.	428
308	Mr. Bayard to Mr. Pendleton (No. 80).	Dec. 18	Naturalization treaty: Report of law officer of Department on interpretation to be given to article 4 inclosed.	438

CORRESPONDENCE WITH THE LEGATION OF GERMANY AT WASHINGTON.

309	Mr. Alvensleben to Mr. Bayard.	1885. Mar. 16	Colonial acquisition of Germany in East Africa: Sovereignty assumed over lands acquired by German Colonization Society; provisions of general act of Berlin Congo conference will be respected; letter of protection issued by Emperor inclosed.	441
310	Mr. Bayard to Mr. Alvensleben.	Apr. 6	Colonial acquisition of Germany of lands of German Colonization Society in East Africa: United States not a party to general act of Berlin Congo conference; views of United States as to the acquisition cannot be expressed.	442
311	Mr. Alvensleben to Mr. Bayard.	Aug. 3	Tonnage duties: Claim of Germany to privileges extended to vessels from certain ports of North, Central, and South America by shipping act of June 26, 1884, by virtue of most-favored-nation clause of treaty; Germany will reciprocate.	443
312	Mr. Bayard to Mr. Alvensleben.	Nov. 7	Tonnage duties: Claim of Germany to privileges extended to vessels from certain ports in North, Central, and South America under shipping act June 26, 1884; privileges held to be geographical, and to inure to vessels of any nation from ports mentioned in act, but not to vessels from ports outside of its limitations.	444

GREAT BRITAIN.

313	Mr. Lowell to Mr. Frelinghuysen (No. 917).	1884. Dec. 22	Mormon proselyting in India: Attention of viceroy has been called to; British Government suggests that United States consuls in India give information to British authorities.	444
314	Mr. Frelinghuysen to Mr. Lowell (No. 1058).	1885. Jan. 7	Mormon proselyting in India: United States consuls in India instructed to co-operate with British authorities, as suggested by Lord Granville.	445
315	Mr. Lowell to Mr. Frelinghuysen (No. 941).	Jan. 29	Pauper immigration from Europe to United States: Circular of December 27, giving law prohibiting same, sent to foreign office; publicity in Great Britain suggested.	445

GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
316	Mr. Frelinghuysen to Mr. Lowell (No. 1088).	1885. Mar. 3	Greely Relief Expedition: Return of vessel Alert to British Government; act directing return inclosed; she will be at once dispatched when point at which it is desired to receive her is ascertained; appreciation of action in placing her at disposal of United States.	446
317	Mr. Lowell to Mr. Bayard (No. 961).	Apr. 4	Greely Relief Expedition: Return of vessel Alert to British Government; Great Britain will receive her at Halifax; correspondence with Foreign Office.	447
318	Mr. E. J. Phelps to Mr. Bayard (No. 95).	Sept. 16	Mormon proselyting in India: Mormon emissaries have made no converts; measures against them at present unnecessary; provisions of penal code will be exerted against them in case of unlawful recruiting; correspondence.	448

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITAIN AT WASHINGTON.

319	Mr. West to Mr. Bayard....	1885. Apr. 28	Claim of J. P. Tunstall <i>vs.</i> United States, for murder and robbery of his son, J. H. Tunstall, in New Mexico: Reiterates request for a decision.	449
320	Mr. Bayard to Mr. West....	June 1	Claim of J. P. Tunstall <i>vs.</i> United States, for murder and robbery of his son, J. H. Tunstall, in New Mexico: Reviews case at length; cites precedents, and shows that United States is not liable for damages; recourse should be had to the courts.	450

PAPERS RELATING TO THE AGREEMENT BETWEEN THE UNITED STATES AND GREAT BRITAIN RESPECTING THE FISHERIES.

321	The Secretary of State	1885. June 25	Fisheries articles of treaty with Great Britain of 1871: Notice of diplomatic arrangement extending through fishing season of 1885.	460
322	Mr. West to Mr. Bayard ...	Mar. 12	Fisheries articles of treaty of 1871: Memorandum suggesting their continuance in force until January, 1886, to prevent difficulties likely to arise if fishing by Americans is prohibited after July 1, 1885—the fishing season.	460
323	Mr. Bayard to Mr. West ...	Apr. 22	Fisheries articles of 1871: Abrogation of: Executive unable to extend time of, beyond July 1, 1885, without legislative action, but will agree to bring before Congress a proposition to settle fishing difficulties by a commission, provided there shall be no enforcement of penal laws against American fishermen during fishing season of 1885; this arrangement can be made by interchange of notes.	461
324	Mr. West to Mr. Bayard ...	June 13	Fisheries articles of treaty of 1871: Agreement to extend time of same; Newfoundland does not make refunding of duties a condition to agreement, but expects consideration when fisheries commission is appointed.	462
325	Mr. Bayard to Mr. West ...	June 19	Fisheries articles of treaty of 1871: Agreement to extend time of; memoranda passed understood to constitute agreement to extend time during fishing season of 1885, in return for promised negotiation by United States for development of trade with British North America.	462
326	Mr. West to Mr. Bayard ...	June 20	Fisheries articles of treaty of 1871: Agreement to extend time of; Canada will give reciprocal privileges as to fishing in return for understanding that United States will negotiate for development of trade with British North America; this arrangement to be temporary.	463
327	Mr. Bayard to Mr. West ...	June 20	Fisheries articles of treaty of 1871: Agreement to extend time of; agreement understood to be concluded by correspondence; public notification will be made shortly.	464
328	Same to same.....	June 22	Fisheries articles of treaty of 1871: Agreement to extend time of; reiterates agreement of United States to recommend to Congress a commission to consider question of extension of trade with British North America.	465

PAPERS RELATING TO THE AGREEMENT BETWEEN THE UNITED STATES AND GREAT BRITAIN RESPECTING THE FISHERIES—Continued.

No.	From and to whom.	Date.	Subject.	Page.
329	Mr. West to Mr. Bayard ...	1885. June 22	Fisheries articles of treaty of 1871: Agreement to extend time of; mutual understanding reached; agreement considered embodied in correspondence; Mr. West will inform Governments of Canada and Newfoundland of completion of agreement.	465
330	President's proclamation ...	Jan. 31	Fisheries articles of treaty of 1871: Proclamation of President declaring termination of, July 1, 1885.	466

HAWAIIAN ISLANDS.

331	Mr. Daggett to Mr. Frelinghuysen (No. 208).	1885. Jan. 14	Financial: Intention of Government to receive for customs dues, and retire from circulation, Hawaiian silver, to relieve financial distress.	469
332	Same to same (No. 215).....	Feb. 14	Emigration of Japanese to Hawaii: Arrival of Japanese laborers assisted by Government; they are promptly engaged by planters; more are to follow.	470
333	Same to same (No. 217).....	Feb. 14	Financial embarrassment arising from rescinding by Honolulu Chamber of Commerce of its resolution to receive for gold gold certificates of Government.	471
334	Same to same (No. 218).....	Feb. 25	Financial: Resumption of collection of customs duties in gold; scheme to retire excess of Hawaiian silver in circulation by receiving it for customs not effective.	471
335	Same to same (No. 219).....	Feb. 26	Census of Hawaii: Native population decreasing; increase of total population due to immigration of Chinese and Portuguese laborers.	472
336	Same to same (No. 221).....	Feb. 28	Financial: Inability of Government to redeem outstanding certificates in gold; Hawaiian silver equal to outstanding certificates will be held in treasury as security.	473
337	Mr. Daggett to Mr. Bayard (No. 233).	Apr. 27	Death of Queen Emma, widow of King Kamehameha IV: With her, lineage of native chiefs extinct.	473
338	Mr. Merrill to Mr. Bayard (No. 14).	Aug. 14	Laborers by contract in Hawaii: Circular of Board of Immigration stating policy of Government towards contract laborers.	474
339	Same to same (No. 20).....	Sept. 12	Chinese emigration to Hawaii: Regulations controlling same inclosed.	475

HAYTI.

340	Mr. Langston to Mr. Frelinghuysen (No. 690).	1884. Dec. 1	Financial: Paper money to be issued, secured by certain export duties; bills to be printed in the United States; decree inclosed.	476
341	Same to same (No. 692).....	Dec. 4	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Protest made in view of his illegal arrest and feeble health.	477
342	Mr. Frelinghuysen to Mr. Langston (No. 312).	Dec. 9	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Instructed to request his immediate trial or release; history of case desired, to determine if Van Bokkelen is entitled to damages; letters from W. K. and C. A. Van Bokkelen.	478
343	Mr. Langston to Mr. Frelinghuysen (No. 695).	Dec. 17	Imprisonment of A. C. d'Almena, at Port-au-Prince, charged with abstracting valuable papers from national bank of Hayti: He is held in close confinement, and conference with him refused; note to Foreign Office requesting access to him.	480
344	Mr. Frelinghuysen to Mr. Langston (No. 321).	1885. Jan. 2	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Approves Mr. Langston's action in asking Van Bokkelen's speedy trial or discharge; instructed to continue exertions for his release; letter to W. K. Van Bokkelen inclosed.	481
345	Mr. Langston to Mr. Frelinghuysen (No. 702).	Jan. 14	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Reports his action and discusses position of Hayti; full correspondence inclosed.	482

HAYTI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
346	Mr. Frelinghuysen to Mr. Langston (No. 324).	1885. Jan. 20	Imprisonment of A. C. d'Almena at Port-au-Prince: Detention of witnesses to secure their appearance permissible, but unduly harsh treatment in present case should be protested against.	490
347	Mr. Langston to Mr. Frelinghuysen (No. 706).	Jan. 21	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Further correspondence with foreign office urging his release inclosed.	490
348	Same to same (No. 708).....	Jan. 24	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Hayti declines to release him.	492
349	Mr. Frelinghuysen to Mr. Langston (No. 328).	Feb. 2	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: His imprisonment a violation of treaty; instructed to continue efforts for his release.	492
350	Mr. Langston to Mr. Frelinghuysen (No. 712).	Feb. 4	Claims of C. W. Mossell and E. V. Garrido <i>vs.</i> Hayti, for loss of property during insurrection at Port-au-Prince in 1883: \$10,000 received in settlement of former and \$2,000 for latter; sum paid to Mr. Mossell; Mr. Garrido will be paid on demand.	493
351	Mr. Frelinghuysen to Mr. Langston (No. 331).	Feb. 13	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Haytien consul-general told it is not desired to transfer discussion to Washington; approval of Mr. Langston's course; letters from C. A. Van Bokkelen inclosed.	494
352	Mr. Langston to Mr. Frelinghuysen (No. 715 <i>bis</i>).	Feb. 25	Imprisonment of A. C. d'Almena at Port-au-Prince, charged with abstracting papers from National Bank of Hayti: Mr. Langston's demand for his release not granted; correspondence.	495
353	Same to same (No. 717).....	Feb. 25	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt; court of appeals trying case; unfavorable decision as to his right of assignment feared; permission asked for Mr. Van Bokkelen to live in his own house; considerable liberty granted him.	497
354	Same to same (No. 720)	Mar. 4	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Decision of court of appeals denying him right of assignment inclosed; gravity of decision as affecting American citizens.	498
355	Mr. Bayard to Mr. Langston (No. 339).	Mar. 13	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Information of decision of court of appeals as to his right of assignment, when made known, desired.	499
356	Mr. Langston to Mr. Bayard (No. 723).	Mar. 17	Claims of Americans <i>vs.</i> Hayti, growing out of losses at Port-au-Prince during riots of September 22 and 23, 1883: Claims to be submitted to a mixed commission, and to be paid as allowed on a discount of 10 per cent; correspondence inclosed.	500
357	Same to same (No. 726).....	Mar. 21	Claim of E. V. Garrido <i>vs.</i> Hayti: \$2000 paid him in settlement; his receipt on file at legation.	507
358	Mr. Bayard to Mr. Langston (No. 343).	Mar. 28	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Reviews case and decision of court denying right of assignment; denial of right unjust and in violation of treaty; Van Bokkelen's release requested.	507
359	Same to same (No. 349).....	Apr. 23	Claims of Americans <i>vs.</i> Hayti, growing out of riots at Port-au-Prince of September 22 and 23, 1883: Approval of his action in agreeing to settlement by a mixed commission, reserving diplomatic claims.	510
360	Same to same (No. 350).....	Apr. 28	Imprisonment of A. C. d'Almena at Port-au-Prince: Letter from C. M. Brun to President declaring d'Almena's innocence, and asking protection for him.	511
361	Mr. Langston to Mr. Bayard (No. 734).	Apr. 29	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Hayti refuses to release him, sustaining decision of court that Haytians only have right of assignment; Van Bokkelen returned to jail in spite of his feeble health.	512
362	Mr. Bayard to Mr. Langston (No. 352).	May 6	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Letter from W. H. Van Bokkelen, thanking Department for efforts to secure release of his son, inclosed.	512
363	Mr. Langston to Mr. Bayard (No. 736).	May 9	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Minister for foreign affairs supports decision of court to refuse benefit of insolvency act to foreigners; Van Bokkelen's release demanded under treaty rights; correspondence inclosed.	513

HAYTI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
364	Mr. Bayard to Mr. Thompson (No. 3).	1885. May 21	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Denial to him of remedies obtainable by a Haytian an infraction of treaty; instructed to discontinue correspondence; matter will be laid before Congress; United States has no desire to release Van Bokkelen from his liabilities.	517
365	Mr. Langston to Mr. Bayard (No. 740).	May 22	Claims of Americans <i>vs.</i> Hayti, growing out of riots at Port-au-Prince September 22 and 23, 1883: Awards made in cases of C. W. Mossell, E. V. Garrido, Mrs. Maria Hamilton, Bertram Bros., and Mrs. Isabella Fournier; payment will be made in American silver; Haytian commissioners hold payments should not be made for real estate destroyed; American commissioners combat this view; report of commission.	518
366	Mr. Bayard to Mr. Langston (No. 355).	May 28	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Directed to take no further action; his successor instructed.	521
367	Mr. Langston to Mr. Bayard (No. 741).	May 28	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: He is brought to legation and set at liberty on 27th instant; no written communication received relative to his release; claim for indemnity will not be pressed.	521
368	Same to same (No. 742).....	May 28	Imprisonment of A. C. d'Almena at Port-au-Prince: One French and two British subjects now being tried with d'Almena; charge against them will probably be dismissed as insufficient; British and French men-of-war at Port-au-Prince.	522
369	Same to same (No. 744).....	June 9	Imprisonment of C. A. Van Bokkelen at Port au Prince for debt: Minister for foreign affairs states his release due to arrangement with his creditors, but reaffirms position of Hayti as to legality of his imprisonment; correspondence.	522
370	Mr. Bayard to Mr. Thompson (No. 4).	June 15	Claims of Americans <i>vs.</i> Hayti, growing out of riots at Port-au-Prince September 22 and 23, 1883: Settlement of by mixed commission; instructed to investigate real property claims of Mrs. Evan Williams and Mrs. Isabella Fournier as to whether legal steps were taken to dispossess them of title deeds, and if they are entitled to damages; report of law officer of Department, on which he will base his arguments, inclosed.	525
371	Mr. Langston to Mr. Bayard (No. 746).	June 16	Claims of America <i>vs.</i> Hayti, growing out of riots at Port-au-Prince, September 22 and 23, 1883: Awards of mixed commission (less 10 per cent. as agreed upon) paid in cases of C. W. Mossell, E. V. Garrido, Bertram Bros., and Mrs. Maria Hamilton and Mrs. Isabella Fournier (for personal property).	526
372	Mr. Bayard to Mr. Thompson (No. 6).	June 23	Tonnage and other duties of exorbitant amount levied on American shipping in Haytian ports: Complaints of same, and of claim of Hayti to hold ship captains liable for duty on discharged cargoes; full report, with a view to procuring reform in Haytian regulations, desired.	526
373	Mr. Langston to Mr. Bayard (No. 749).	June 24	Imprisonment of A. C. d'Almena at Port-au-Prince: Hearing on appeal as to legality of ordinance under which he is imprisoned delayed by illness of one of judges; d'Almena has been imprisoned seven months awaiting trial; Mr. Langston has attended sessions of court.	528
374	Mr. Bayard to Mr. Thompson (No. 8).	June 25	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Satisfaction at his release; no claim for damages should be presented before investigation by Department; if claim presented by Mr. Langston, he will withdraw it for re-examination, reserving all rights.	529
375	Same to same (No. 9).....	June 26	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: However his release was effected, note announcing fact should be simply acknowledged, reserving rights to indemnity.	529
376	Mr. Thompson to Mr. Bayard (No. 9).	July 8	Imprisonment of A. C. d'Almena at Port-au-Prince: Court sustains legality of ordinance under which arrest was made and act of accusation; d'Almena and others accused to be held for trial; arrival of British man-of-war to look after interests of British subjects imprisoned.	530

LIST OF PAPERS.

LXXVII

HAYTI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
377	Mr. Bayard to Mr. Thompson (No. 11).	1885. July 15	Imprisonment of C. A. d'Almena at Port-au-Prince: Mr. Langston's efforts to secure d'Almena's release commended; instructed to act in same direction.	530
378	Same to same (No. 13)	July 20	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: If other creditors of Van Bokkelen endeavor to take same course as Toplitz & Co., instructed to see that treaty rights are protected; no claim for damages to be made unless so instructed; letters from C. A. and W. K. Van Bokkelen inclosed.	531
379	Mr. Thompson to Mr. Bayard (No. 17).	July 30	Imprisonment of A. C. d'Almena at Port-au-Prince: Decision of supreme court ignores d'Almena's appeal; British and French representatives protest in favor of imprisoned French and British; Mr. Thompson protests against the ignoring of d'Almena's appeal, contrary to Haytian law; note to minister for foreign affairs.	533
380	Same to same (No. 23)	Aug. 15	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: He desires indemnity; he sails for United States on this date; synopsis of Van Bokkelen's case; extract from message of President of Hayti, and notification of creditor withdrawing "recommendation" against him, inclosed.	534
381	Same to same (No. 29)	Sept. 9	Imprisonment of A. C. d'Almena at Port-au-Prince: Trial by jury now taking place; great interest manifested; French, British, and American representatives attend trial.	536
382	Mr. Bayard to Mr. Thompson (No. 24).	Oct. 2	Claim of C. A. Van Bokkelen vs. Hayti for imprisonment for debt: Instructed to press for immediate payment of indemnity or reference of amount to arbitration; letter from Mr. Van Bokkelen stating his claim.	537
383	Mr. Thompson to Mr. Bayard (No. 44).	Oct. 17	Asylum: Right of Americans to, who have engaged in insurrection; requests instructions; reports case of a Frenchman whose surrender from a French vessel was refused.	539
384	Same to same (No. 47)	Oct. 26	Claims of Mrs. Evan Williams and Mrs. Isabella Fournier vs. Hayti for destruction of real property during Haytian rebellion: Refusal to admit justice of the claims on ground that the claimants are Haytians or would not be allowed to hold real estate; negotiations to be intrusted to Haytian minister to the United States; correspondence inclosed.	540
385	Mr. Bayard to Mr. Thompson (No. 28).	Nov. 3	Asylum: Right of Americans to, in Hayti; diplomatic or consular officer could not prevent a criminal from being taken from a ship; international law does not recognize right of asylum of foreign legations in any country.	542
386	Mr. Thompson to Mr. Bayard (No. 49).	Nov. 3	Claim of C. A. Van Bokkelen vs. Hayti for imprisonment for debt: Claim has been presented; reports Mr. Van Bokkelen's death.	542
387	Same to same (No. 50)	Nov. 5	Imprisonment of A. C. d'Almena at Port-au-Prince on false charge of abstracting papers from Bank of Hayti: He is acquitted; refusal of Mr. Thompson to give him a certificate declaring Hayti responsible for his imprisonment; statements of his case by Mr. d'Almena inclosed.	543

CORRESPONDENCE WITH THE LEGATION OF HAYTI AT WASHINGTON.

388	Mr. Bassett to Mr. Davis ...	1885. Jan. 13	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: States position of his Government and that of United States minister to Hayti relative to; argues in support of position of Hayti.	547
389	Mr. Frelinghuysen to Mr. Bassett.	Jan. 21	Imprisonment of C. A. Van Bokkelen at Port-au-Prince for debt: Action of United States minister to Hayti approved by Department; unable to transfer discussion to Washington.	548

ITALY.

No.	From and to whom.	Date.	Subject.	Page.
390	Mr. Keiley to Mr. Bayard...	1885. Apr. 18	Objections of Italy to appointment of A. M. Keiley as minister: Explains his utterances relative to annexation of Pope's dominions by Italy, objected to by Italian Government.	549
391	Mr. Keiley to the President.	Apr. 25	Objections of Italy to appointment of A. M. Keiley as minister: Resigns his commission.	550

CORRESPONDENCE WITH THE LEGATION OF ITALY AT WASHINGTON.

392	Baron Fava to Mr. Bayard...	1885. Apr. 13	Objections of Italy to appointment of A. M. Keiley as minister: Refers to newspaper reports of speech by Mr. Keiley; requests interview.	550
393	Mr. Bayard to Baron Fava...	Apr. 13	Objections of Italy to appointment of A. M. Keiley as minister on account of utterances, in 1871, against occupation of Rome by King Victor Emmanuel: Discussion of irresponsible newspaper articles cannot be entered into; appointment made in good faith, and Italy must exercise her discretion as to receiving Mr. Keiley; interview placed for 15th instant.	550
394	Baron Fava to Mr. Bayard...	Apr. 20	Objections of Italy to appointment of A. M. Keiley as minister: Telegram from minister for foreign affairs, stating objections, and hoping for a more acceptable appointment.	551
395	Mr. Bayard to Baron Fava...	Apr. 30	Objections of Italy to appointment of A. M. Keiley as minister: Resignation of Mr. Keiley owing to objections of Italy.	552

JAPAN.

396	Mr. Bingham to Mr. Frelinghuysen (No. 1970).	1884. Dec. 22	Corea, insurrection in: Japanese troops sent to protect king of Corea; Japanese legation buildings in Seoul burned by mob. Chinese minister requests Mr. Bingham's good offices in event of conflict between Chinese and Japanese troops in Corea.	553
397	Same to same (No. 1975)	Dec. 22	Gift by Japan of five acres of land for legation premises: Acceptance and appropriation to erect suitable buildings suggested; five governments now own their legation premises at Tokio.	554
398	Same to same (No. 1978)	1885. Jan. 2	Gift by Japan of land for United States legation: Early answer as to acceptance of gift desired, as land is to be purchased; minister for foreign affairs desires transfer during President Arthur's term as a special recognition of his friendship for Japan.	554
399	Same to same (No. 1996)	Jan. 19	Gift by Japan of land for United States legation: Early answer as to acceptance urged.	555
400	Mr. Frelinghuysen to Mr. Bingham (No. 887).	Feb. 11	Gift by Japan of land for United States legation: Acceptance of gift and suitable appropriation to improve grounds recommended to Congress.	556
401	Mr. Bingham to Mr. Frelinghuysen (No. 2013).	Feb. 18	Deserting seamen, Edward Sebaglia (an Austrian), from U. S. S. Alert: Mr. Bingham holds that a deserter from United States naval vessel is not entitled to relief by United States consul; correspondence with Austrian consul.	556
402	Same to same (No. 2022)	Feb. 28	China and Japan: Difficulty between, growing out of Korean revolution; interview with Japanese ambassador who goes to China to secure settlement; Mr. Bingham counsels moderation and withdrawal of both Japanese and Chinese troops from Corea; probable peaceful settlement.	560
403	Same to same (No. 2047) ...	April 27	Gift by Japan of land for United States legation: Recommendation by Secretary of State to Congress of acceptance of gift made known to minister for foreign affairs; correspondence.	560

LIST OF PAPERS.

LXXIX

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
404	Mr. Bayard to Mr. Bingham (No. 911).	1885. April 30	Protection of United States legation at Seoul, Corea, by Japanese troops during a conflagration; instructed to convey thanks of United States to Japan.	562
405	Mr. Bingham to Mr. Bayard (No. 2056).	May 30	Protection of United States legation at Seoul, Corea, by Japanese troops during a conflagration: Thanks of United States conveyed to Japan.	563
406	Same to same (No. 2058)	June 1	China and Japan: Difficulty between, growing out of Korean revolution; settlement negotiated; both parties agree to withdraw their troops from Corea; convention and notes inclosed.	563
407	Same to same (No. 2064)	June 9	Protection of United States legation at Seoul, Corea, by Japanese troops during a conflagration; reply of minister for foreign affairs to expression of thanks of United States.	565
408	Mr. Hubbard to Mr. Bayard (No. 42).	Sept. 24	Financial: Rumored negotiation of a Japanese loan in London; statement of bonded debt of Japan.	565
409	Same to same (No. 47)	Oct. 2	Gift by Japan of land for United States legation: Tender still in abeyance; other Governments have accepted similar gifts.	566
410	Mr. Bayard to Mr. Hubbard (No. 27).	Nov. 11	Gift by Japan of land for United States legation: Appreciation of offer; suggestion to Congress of its acceptance and erection of buildings will be renewed.	567

CORRESPONDENCE WITH THE LEGATION OF JAPAN AT WASHINGTON.

411	Mr. Kuki to Mr. Frelinghuysen.	1885. Jan. 9	Corea and Japan: Announces that Japan has waived right to \$400,000 indemnity due from Corea on account of damages from insurrection at Seoul in 1882.	567
412	Same to same	Mar. 2	Protection of Japanese during revolution in Corea by United States minister; many Japanese owe their lives to his intervention; tenders thanks of Japan to General Foote and to United States Government.	567
413	Mr. Bayard to Mr. Kuki	Mar. 9	Protection of Japanese during revolution in Corea by United States minister; President gratified at recognition of General Foote's efforts; he will be informed as well as minister to Japan and China and Foreign Relations Committee of Senate.	568

MEXICO.

414	Mr. Morgan to Mr. Frelinghuysen (No. 905).	1884. Sept. 24	Imprisonment without trial of T. R. Monahan, a railroad engineer, at Toluca; note from minister for foreign affairs giving facts; further intervention of legation denied, as Monahan is not matriculated at foreign office.	569
415	Mr. Frelinghuysen to Mr. Morgan (No. 698).	Dec. 20	Matriculation at foreign office required of American citizens in Mexico: Instructed to prepare report upon, for submission to Congress; United States denies right of Mexico to refuse to allow diplomatic intervention by municipal regulations.	570
416	Mr. Morgan to Mr. Frelinghuysen (No. 960).	1885. Jan. 1	Imprisonment of T. R. Monahan, a railroad engineer, at Toluca: He has been discharged without trial.	571
417	Same to same (No. 962)	Jan. 12	Matriculation at foreign office required of Americans in Mexico: Decrees of President Juarez, on which regulations are based, given; report upon, answering categorical questions in Department, 698.	571
418	Mr. Frelinghuysen to Mr. Morgan (No. 732).	Feb. 17	Matriculation laws of Mexico: Right of Mexico to place reasonable restrictions on foreigners residing in Mexico recognized, but theory affecting relations between Americans and their Government cannot be accepted; instructed to so inform Mexico.	575

NETHERLANDS.

No.	From and to whom.	Date.	Subject.	Page.
419	Mr. Bell to Mr. Bayard (No. 44).	1885. Sept. 17	Universal suffrage: Meeting of workingmen of various trades to agitate same; complaint made to mayor of Amsterdam of violent action of police in quelling disturbance at a meeting.	576
420	Same to same (No. 47)	Sept. 23	Universal suffrage: Procession of delegates of "Netherlands League of Universal Suffrage," "Netherlands Workingmen's Association," and "Social Democrats of the Netherlands"; meeting held at which a resolution is passed to be presented to the chambers demanding for the last time, "peacefully," universal suffrage.	577
421	Same to same (No. 48)	Sept. 26	Financial: Deficit in budget for home government and colonies: Loan to provide for same and for completion of unfinished public works, payable in fifty-five years, prepared by minister of finance.	578
422	Same to same (No. 55) ...	Oct. 13	Financial: Budget for 1886 proposes to meet the deficit by diminishing expenditures in all departments except that of war; fund for educational purposes to be reduced; items for the various departments given; loan proposed, payable in fifty-five years; uses to which its proceeds are to be put.	578
423	Same to same (No. 56)	Oct. 14	Financial: Budget of Dutch East Indies; statement showing receipts and expenditures.	579
424	Same to same (No. 57)	Oct. 15	Tariff (colonial) of Netherlands: Proposed reduction of export duties on coffee, sugar, and tea, and increase of import duties on petroleum and tobacco; import duty of 10 per cent. ad valorem to be imposed on various articles mentioned; large increase of revenue contemplated.	583
425	Same to same (No. 62)	Oct. 29	Financial: Demonetization of 25,000,000 florins of Dutch silver coin determined upon; Government will lose 5,000,000 florins by transaction, but greatly improve its credit abroad; Netherlands adopted single silver standard in 1847; gold standard introduced in 1875; statistics of amount of gold, silver, and copper coin; text of law of demonetization.	588
426	Same to same (No. 73)	Nov. 20	Universal suffrage: Government replies to report of commission of second chamber; universal suffrage not approved of; reasons given; suffrage to be enlarged; election of workingmen's candidate over member of old nobility; liberals in majority for first time.	585

PERU.

427	Mr. Frelinghuysen to Mr. S. L. Phelps (No. 81).	1884. Dec. 5	Murder of Owen Young, an American, by a Peruvian soldier: Approves action of Mr. Phelps; punishment of murderer and indemnity to family of murdered man should be pressed.	587
428	Same to same (No. 88)	Dec. 18	Murder of Owen Young by a Peruvian soldier: President regrets no action taken by Peru; instructed to read this dispatch to minister for foreign affairs.	588
429	Mr. S. L. Phelps to Mr. Frelinghuysen (No. 191).	Dec. 20	Murder of Owen Young by a Peruvian soldier: Note from minister for foreign affairs recounting legal proceedings taken.	588
430	Same to same (No. 194)	Dec. 24	Political: No decided change in situation; Government extending its authority; many outrages committed by its agents; General Caceres controls southern provinces, but is unpopular there; Government army 6,000 men.	589
431	Same to same (No. 199)	1885. Jan. 7	Murder of Owen Young by a Peruvian soldier: Protest to minister for foreign affairs against delay in bringing murderer to justice.	589
432	Same to same (No. 203)	Jan. 28	Murder of Owen Young by a Peruvian soldier: No reply to communication demanding punishment of murderer; Department's instruction regretting delay of trial read to minister for foreign affairs.	590
433	Same to same (No. 204)	Feb. 4	Murder of Owen Young by a Peruvian soldier: Apparently no soldier yet examined by court; copy of judicial proceedings furnished by foreign office.	590

LIST OF PAPERS.

LXXXI

PERU—Continued.

No.	From and to whom.	Date.	Subject.	Page.
434	Mr. S. Phelps to Mr. Frelinghuysen (No. 206).	1885. Feb.	Murder of Owen Young by a Peruvian soldier: Correspondence with foreign office; copy of legal proceedings to ascertain murderer and inventory of Young's effects inclosed; effects delivered to son of murdered man.	590
435	Mr. Frelinghuysen to Mr. S. L. Phelps (No. 110).	Feb. 28	Murder of Owen Young by a Peruvian soldier: Mr. Phelps's action approved; United States insists upon full justice from Peru.	594
436	Mr. S. L. Phelps to Mr. Frelinghuysen (No. 213).	Mar. 4	Political: Opening of assembly; conciliatory measures proposed; conciliation with General Cáceres popular; advance of General Cáceres from Arequipa; Indians, at his instigation, drive out Chilian division and defeat Government forces; wretched material and financial condition of the country.	595
437	Same to same (No. 215).....	Mar. 13	Political: Assembly divided into two parties; one desires continuance of Iglesias government, the other new election for President and peace with General Cáceres; Iglesias party in majority; financial and commercial decline of Peru; rumored Indian outbreaks.	596
438	Mr. Bayard to Mr. S. L. Phelps (No. 113).	Mar. 16	Murder of Owen Young by a Peruvian soldier: Approves Mr. Phelps's protest against inadequacy of measures to apprehend murderer.	596
439	Mr. S. L. Phelps to Mr. Bayard (No. 226).	Apr. 4	Political: Assembly to appoint commission to treat with General Cáceres; he will be asked to surrender and recognize Iglesias government on condition of new presidential election; Mr. Phelps asked to telegraph General Cáceres in behalf of commission; Indians pillaging in Huarez; business paralyzed.	597
440	Same to same (No. 230).....	Apr. 11	Political: Government aid to quell Indian revolt promised at request of people of Huarez; no reply from General Cáceres as to peace commission; financial distress general.	597
441	Same to same (No. 235).....	Apr. 25	Political: Deplorable condition of Peru, owing to successful Indian uprisings; General Cáceres expected to attack Lima; Government troops held in readiness; success of General Cáceres predicted.	598
442	Same to same (No. 238).....	May 1	Murder of Owen Young by a Peruvian soldier: Minister of foreign affairs still awaiting advices from court at Pacasmayo.	598
443	Same to same (No. 241).....	May 16	Political: Rumored advance of General Cáceres upon Lima; change in cabinet; President, vice-president, and general-in-chief of army, brothers.	599
444	Same to same (No. 244).....	May 21	Political: Capture of Truxillo and seizure of railroad operated by Americans; suggests naval vessel be sent to prevent lawlessness by roving bands; ports closed by Government; battle with General Cáceres imminent.	600
445	Mr. Bayard to Mr. S. L. Phelps (No. 129).	May 29	Murder of Owen Young by a Peruvian soldier: Continued failure of justice will necessitate bringing matter to attention of Congress; approves action taken.	600
446	Mr. S. L. Phelps to Mr. Bayard (No. 246).	June 6	Political: Revolution declared at an end; General Cáceres's troops reported to have disbanded; marauding bands still causing trouble; ports reopened by Government.	601
447	Same to same (No. 249).....	June 13	Political: Reported defeat of General Cáceres incorrect; he is re-enforced and Government troops retreat; peace farther off than before.	602
448	Same to same (No. 251).....	June 20	Political: Condition of country still unsettled; General Cáceres holding his own; commission to be sent to treat with him.	602
449	Mr. Buck to Mr. Bayard (No. 7).	July 4	Political: Newspapers fined for free expression of opinion; war news under censorship; General Cáceres refuses to treat with peace commission; Arequipa and Mollendo abandoned by General Cáceres.	603
450	Same to same (No. 13).....	July 11	Political situation reviewed: Military movements; crisis unfavorable to Government thought to be imminent.	603
451	Same to same (No. 18).....	July 25	Political: Military movements; prospect of indefinite strife.	604
452	Mr. Bayard to Mr. Buck (No. 9).	July 30	Murder of Owen Young by a Peruvian soldier: Instructed to urge arrest of murderer.	605

PERU—Continued.

No.	From and to whom.	Date.	Subject.	Page.
453	Mr. Buck to Mr. Bayard (No. 21).	1885. Aug. 7	Political: General Cáceres suggests that supreme court assume executive of provisional government until new election is held, or that General Cáceres and General Iglesias exercise authority over territory held by each and call an election simultaneously; arrangement effected for free transit of goods to Bolivia via Arequipa.	605
454	Same to same (No. 22).....	Aug. 7	Murder of Owen Young by a Peruvian soldier: No reply to note demanding arrest of murderer.	607
455	Same to same (No. 23).....	Aug. 15	Political: Military movement; Truxillo and most northern ports occupied by Government troops; war imposts on sugar and concrete in Province of Chiclayo; General Cáceres moves his custom-house from Mollendo to Arequipa.	608
456	Same to same (No. 24).....	Aug. 22	Political: Defeat of Government troops at Canta; revolutionary movements; forced loan exacted by officers of General Cáceres at Cerro de Pasco.	609
457	Same to same (No. 25).....	Aug. 22	Murder of Owen Young by a Peruvian soldier: Foreign office transmits correspondence showing difficulties in way of punishing the murderer; no reference to indemnification; correspondence inclosed.	611
458	Same to same (No. 27).....	Sept. 4	Murder of Owen Young by a Peruvian soldier: Minister for foreign affairs states discovery of murderer impossible.	614
459	Same to same (No. 28).....	Sept. 5	Political: Numerous arrests of suspected persons under police notice offering rewards to informers; ex-dictator Pierola banished and his newspaper suppressed; oppressive export duties at Chiclayo rescinded; military movements reported; quiet at Lima.	615
460	Mr. Bayard to Mr. Buck (No. 19).	Sept. 10	Murder of Owen Young by a Peruvian soldier: Commends Mr. Buck's action.	616
461	Mr. Buck to Mr. Bayard (No. 30).	Sept. 12	Political: Military operations; uprising at Arequipa in favor of General Iglesias unsuccessful.	616
462	Same to same (No. 34).....	Sept. 19	Political: Capture of courier from General Cáceres; persons in Lima implicated in revolutionary plots and imprisoned; military movements; Iglesias government impecunious; small prospect of payment of claims; action of claims arbitrations in Chili barring certain war claims.	617
463	Same to same (No. 35).....	Sept. 36	Political: Review of Government troops; their strength; Government urged to open ports and roads in interior; question of recognizing General Cáceres as a belligerent.	619
464	Same to same (No. 36).....	Oct. 2	Political: General Cáceres demands recognition as belligerent by diplomatic corps; in case of refusal threatens to treat foreigners as Peruvians; Peruvian Government unable to protect foreigners; suggests naval vessels be sent to Peru; General Cáceres's letter to diplomatic corps.	620
465	Same to same (No. 42).....	Oct. 10	Political: General Cáceres said to have only 2,000 troops; Government successes reported.	622
466	Same to same (No. 45).....	Oct. 17	Political: Repulse of General Cáceres at Cajamarca; death of General Lorenzo Iglesias, chief of army, brother of the President.	623
467	Same to same (No. 47).....	Oct. 24	Political: Detailed account of Government success at Cajamarca; commissary of army defective.	624
468	Mr. Bayard to Mr. Buck (No. 33).	Oct. 27	Claims arbitrations at Santiago: Reviews and discusses rules laid down by the tribunal relative to claims arising from bombardment, acts committed by soldiers, and taking of evidence in claims.	625
469	Mr. Buck to Mr. Bayard (No. 50).	Oct. 31	Political: Military movements; dispatch of a force from Callao against General Cáceres.	625
470	Same to same (No. 54).....	Nov. 14	Political: Military movements; Government troops reported successful in several engagements; other reports declare General Cáceres stronger, and supported by ammunition received through Bolivia.	626
471	Same to same (No. 55).....	Nov. 21	Political: Disastrous defeat of General Cáceres by Government troops at Jauja reported; revolution considered at an end; General Cáceres may cause trouble by his influence over Indians.	627
472	Same to same (No. 56).....	Nov. 28	Political: Details of Government victory at Jauja; rumor that General Cáceres with portion of his army is advancing on Lima; consternation of Iglesias's government; Government troops recalled to Lima; attack will be awaited in the city.	628

LIST OF PAPERS.

LXXXIII

CORRESPONDENCE WITH THE LEGATION OF PERU AT WASHINGTON.

No.	From and to whom.	Date.	Subject.	Page.
473	Mr. Elmore to Mr. Bayard..	1885. Mar. 31	Treaties of commerce and extradition between United States and Peru: Gives notice of termination of, March 31, 1886; Peru desires negotiation of new treaties to take place of those denounced.	630
474	Mr. Bayard to Mr. Elmore..	Apr. 7	Treaties of commerce and extradition between United States and Peru: Notice of their termination formally accepted; United States will consider drafts of new treaties presented by Peru.	631

PORTUGAL.

475	Mr. Hunter to Mr. Richmond (No. 6).	1884. Sept. 27	Missionary difficulty at Bihé and Bailunda, West Africa: Missionaries compelled to retire to Benguela; cause of trouble unknown; instructed to use good offices; letter from secretary of American Board of Foreign Missions inclosed.	631
476	Mr. Frelinghuysen to Mr. Richmond (No. 9).	Oct. 24	Missionary difficulty at Bihé and Bailunda, West Africa: Missionaries, American citizens, duly provided with passports, driven out by a native chief, under sovereignty of Portugal; instructed to ask protection for United States citizens, indemnity for losses, and punishment of King of Bailunda; letter from secretary of American Board of Foreign Missions, giving particulars of difficulty, inclosed.	632
477	Mr. Richmond to Mr. Frelinghuysen (No. 12).	Nov. 18	Missionary difficulty at Bihé and Bailunda, West Africa: Note to minister for foreign affairs requesting protection of missionaries, indemnity for damages, and punishment of King of Bailunda, inclosed.	634
478	Mr. Frelinghuysen to Mr. Richmond (No. 15).	Dec. 9	Missionary difficulty at Bihé and Bailunda, West Africa: Portuguese authorities promise protection to missionaries; letter from secretary of American Board of Foreign Missions and note from Portuguese minister inclosed.	636
479	Same to same (No. 17).....	1885. Jan. 27	Missionary work in East Africa: Protection of Portugal desired for missionaries who have obtained concession of land in Mozambique; letter from secretary American Board of Foreign Missions inclosed.	637
480	Mr. Richmond to Mr. Frelinghuysen (No. 18).	Feb. 16	Missionary work in East Africa: Protection of Portugal asked for missionaries who have obtained land concession at Mozambique; note to minister for foreign affairs and letter to secretary American Board of Foreign Missions inclosed.	638
481	Mr. Bayard to Mr. Lewis (No. 4).	May 29	Missionaries (American) in East Africa: Concession of 2,500 acres to them by Portuguese authorities at Mozambique, on condition of not engaging in religious teaching beyond the limits of the concession; instructed to use good offices to further their legitimate efforts; letter from Secretary of American Board of Foreign Missions, desiring removal of the restriction, inclosed.	639
482	Mr. Porter to Mr. Lewis (No. 6).	June 8	Missionary difficulty at Bihé and Bailunda, West Africa: Letter from Secretary American Board of Foreign Missions, giving account of expulsion of missionaries by King of Bailunda, at instigation of a Portuguese merchant; report of law officer of Department reviewing facts; instructed to ask reparation for losses incurred and protection in future.	640
483	Mr. Lewis to Mr. Bayard (No. 10).	July 14	Missionary difficulty at Bihé and Bailunda, West Africa: The expelled missionaries will return to their labors; they do not fear molestation, but are doubtful of obtaining reparation for their losses; note of Mr. Lewis asking reparation inclosed.	644

PORTUGAL—Continued.

No.	From and to whom.	Date.	Subject.	Page.
484	Mr. Lewis to Mr. Bayard (No. 11).	1885. July 16	Missionary difficulty at Bihé and Bailunda, West Africa: Missionaries fear no further disturbance; portion of their property restored; they appear satisfied with action of legation; note from minister for foreign affairs, stating the expulsion was not due to Portuguese merchant, and the means taken to insure future protection, inclosed.	645
485	Same to same (No. 16).....	Aug. 10	Missionaries (American) in East Africa: Permission to enable them to instruct the natives asked for; minister for foreign affairs replies that there is no law prohibiting such teaching; correspondence inclosed.	646
486	Mr. Porter to Mr. Lewis (No. 11).	Aug. 12	Missionary difficulty at Bihé and Bailunda, West Africa: Satisfaction at measures taken for their future protection; recovery of property lost hoped for.	647
487	Mr. Lewis to Mr. Bayard (No. 20).	Sept. 11	Missionary difficulty at Bihé and Bailunda, West Africa: Minister for foreign affairs promises investigation of charge that a Portuguese merchant instigated expulsion of the missionaries, with the connivance of the Portuguese authorities; the person charged with the offense is dead.	647
488	Same to same (No. 32).....	Nov. 17	Missionary bishop, William Taylor, of American Methodist Episcopal Church: His arrival in Lisbon after establishing mission schools in Angola and Loanda; generosity of Portuguese governors to missionaries; Bishop Taylor presented to King.	648

CORRESPONDENCE WITH THE LEGATION OF PORTUGAL AT WASHINGTON.

489	Mr. Frelinghuysen to Viscount das Nogueiras.	1884. Sept. 25	Missionary difficulty at Bihé and Bailunda, West Africa: Expulsion of missionaries; asks good offices for their protection; incloses letter from secretary American Board of Foreign Missions to the minister commending the work of missionaries among natives and asking action in their behalf.	648
490	Viscount das Nogueiras to Mr. Bayard.	Oct. 4	Missionary difficulty at Bihé and Bailunda, West Africa: Representations in behalf of American missionaries driven out, and services of Portuguese officials in their behalf, promised.	650
491	Same to same	Nov. 17	Missionary difficulty at Bihé and Bailunda, West Africa: Expulsion of missionaries is being investigated by governor of Angola; persons who have violated principle of religious toleration and laws of hospitality in Portuguese dominions will be punished.	650
492	Mr. Frelinghuysen to Viscount das Nogueiras.	Nov. 26	Missionary difficulty at Bihé and Bailunda, West Africa: Thanks for friendly action in behalf of the expelled missionaries.	651
493	Viscount das Nogueiras to Mr. Bayard.	1885. Mar. 15	Tonnage dues levied in United States: Incloses President's proclamation reducing duties on vessels from certain places in accordance with shipping act of June 26, 1884; asks that same concessions be granted to Portugal in view of her low charges and most favored nation clause of treaty.	651
494	Mr. Bayard to Viscount das Nogueiras.	May 21	Tonnage dues: Portugal may be allowed exemption of, for reciprocal favors to United States vessels, as granted to vessels from certain ports by shipping act of June 26, 1884; asks if American vessels in Portuguese ports are exempted from tonnage tax.	653
495	Same to same	Nov. 7	Tonnage dues: Reduction of, on vessels from certain places in North, Central, and South America in accordance with terms of shipping act of June 26, 1884; the privilege held to be geographical and apply to vessels of all nations from ports mentioned, but not to vessels from places outside the limitations of the act.	654

RUSSIA.

No.	From and to whom.	Date.	Subject.	Page.
496	Mr. Frelinghuysen to Mr. Taft (No. 7).	1884. Dec. 18	Jews in Russia: Rumored expulsion from Russia of all Jews holding foreign passports unless provided with permits of residence; instructed to ask such permits for American Jews, and to report immediately as to rumored expulsion.	655
497	Mr. Taft to Mr. Frelinghuysen (No. 26).	1885. Jan. 17	Jews in Russia: Permits of residence required of all foreigners; of foreign Jews, merchants paying license only allowed permits; American, British, and German Jews similarly treated; probably few American Jews in Russia.	655
498	Mr. Taft to Mr. Bayard (No. 30).	Mar. 18	Jews in Russia: No order of expulsion of foreign Jews from Odessa and other parts of Russia issued; permits of residence granted to American Jews on presentation of passport; statistics of number of American Jews in Russia cannot be supplied.	657
499	Mr. Bayard to Mr. Taft (No. 15).	Mar. 30	Jeannette Arctic Expedition: Testimonials to be awarded to Russians who assisted survivors; Secretary of Navy to designate officer to distribute the testimonials; legation instructed to assist him.	657
500	Same to same (No. 21).....	May 25	Arrest of Israel Müller, a naturalized American, for abandoning Russian allegiance without permission; instructed to report as to means of obtaining redress in such cases; correspondence relative to case inclosed.	658
501	Mr. Wurts to Mr. Bayard (No. 46).	May 28	Canal connecting St. Petersburg and Cronstadt: Opening of; St. Petersburg directly connected with sea; commercial importance of canal; its description and history.	660
502	Same to same (No. 51).....	June 14	Arrest of Israel Müller, a naturalized American, for abandoning Russian allegiance without permission: Russia holds its subjects liable for breach of this regulation on their return, even after naturalization; no redress likely to be obtained; reviews similar cases and legation's action.	663
503	Mr. Bayard to Mr. Lothrop (No. 4).	June 30	Jeannette Arctic Expedition: Testimonials to Russians who aided survivors will be distributed by Lieut. W. H. Scheutze, U. S. N.; free admission of his effects and testimonials desired; instructed to assist their distribution, and make proper expression of gratitude of United States.	665
504	Mr. Bayard to Lieutenant Scheutze.	July 3	Jeannette Arctic Expedition. Testimonials to Russians who aided survivors; instructions relative to delivery of letters and special rewards in acknowledgment of services rendered; list of letters and rewards, and copies of letters, inclosed.	666
505	Mr. Porter to Mr. Lothrop (No. 8).	July 18	Arrest of Israel Müller, a naturalized American, charged with abandoning Russian allegiance without permission: Instructed to present case and ask leniency; case shows necessity of naturalization treaty; report of law officer of Department inclosed.	669
506	Mr. Bayard to Mr. Lothrop (No. 12).	July 30	Arrest of Israel Müller, a naturalized American, charged with abandoning Russian allegiance without permission: Particulars of arrest requested.	670
507	Lieutenant Scheutze to Mr. Bayard.	Aug. 1	Jeannette Arctic Expedition: Testimonials to Russians who aided survivors; reports death of General Tcherniaieff, governor of Yakutsk; suggestion that sword intended for presentation to him be presented to Emperor.	670
508	Mr. Lothrop to Mr. Bayard (No. 9).	Aug. 13	Arrest of Israel Müller, a naturalized American, charged with abandoning Russian allegiance without permission: This contrary to Russian law; Russia refuses to assent to American doctrine of naturalization; little hope of successful application for redress; intense anti-Semitic feeling; asks instructions as to suggesting desirableness of treaty adjustment.	671
509	Mr. Bayard to Mr. Lothrop (No. 16).	Aug. 27	Jeannette Arctic Expedition: Testimonials to Russians who aided survivors; regret at death of General Tcherniaieff, governor of Yakutsk; sword intended for him to be placed at disposal of Emperor.	672

RUSSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
510	Mr. Porter to Mr. Lothrop (No. 23).	1885. Sept. 15	Arrest of Israel Müller, charged with abandoning Russian allegiance without permission: Further instructions at present judged unnecessary; he will exercise his own discretion in taking action.	672
511	Mr. Lothrop to Mr. Bayard (No. 17).	Sept. 17	Sugar industry in Russia: Over-production; bounty offered to stimulate exportation; reduction of duty on sugar contemplated.	672
512	Same to same (No. 19).....	Sept. 24	Jeannette Arctic Expedition: Testimonials to Russians who aided survivors; arrival of Lieutenant Scheutze, bearing testimonials, at Irkutsk.	673
513	Lieutenant Scheutze to Mr. Bayard.	Sept. 25	Jeannette Arctic Expedition: Testimonials to Russians who aided survivors; reports journey toward Siberia with the testimonials; courtesies extended to him.	674
514	Mr. Lothrop to Mr. Bayard (No. 38).	Nov. 27	Jeannette Arctic Expedition: Testimonials to Russians who aided survivors; sword intended for late General Tcherniaieff, governor of Yakutsk, accepted by Emperor as token of appreciation by the United States; note from minister for foreign affairs.	674
515	Same to same (No. 40).....	Nov. 28	Jeannette Arctic Expedition: Testimonials for Russians who aided survivors; Lieutenant Scheutze, bearing testimonials, arrived at Irkutsk.	676

SPAIN.

516	Mr. Frelinghuysen to Mr. Foster (No. 274).	1884. Oct. 20	Manifests of cargoes: Royal order requiring translations to be furnished by masters of vessels in Cuba and Porto Rico, and imposing fines for errors; instructed to ask that where error in manifests result from mistake in translation no forfeiture or penalty be imposed; dispatch from consular agent at Mayence, and royal order inclosed.	676
517	Same to same (No. 289).....	Nov. 22	Manifests of cargoes: Royal order requiring translations to be furnished by masters of vessels in Cuba and Porto Rico; order rescinded; manifests now translated at custom-houses at expense of captains; letter from consul-general at Havana.	678
518	Mr. Reed to Mr. Frelinghuysen (No. 270).	Dec. 3	Claim of American vessel <i>Masonic</i> vs. Spain: Spain agrees to proposition to refer amount of damages to an arbitrator, to be selected by both Governments; correspondence inclosed.	678
519	Mr. Frelinghuysen to Mr. Reed (No. 302).	1885. Jan. 17	Claim of American vessel <i>Masonic</i> vs. Spain: Baron Blanc, Italian minister at Madrid, accepted as arbitrator; amount of damages, not right to damages, to be arbitrated; decision to be rendered in six months; amount to be paid in American gold.	683
520	Same to same (No. 305).....	Jan. 28	Cattle tax: Fees illegally exacted by Spanish consul at Key West on shipments of cattle to Cuba; he will press return of illegally-exacted tax; letter from Spanish consul to James McKay inclosed.	683
521	Mr. Reed to Mr. Frelinghuysen (No. 301).	Feb. 5	Manifests of cargoes: Royal order requiring masters to furnish translations of, in Cuba and Porto Rico; unfairness in making ship captains responsible for errors in translation represented to Spanish Government.	684
522	Same to same (No. 303).....	Feb. 5	Duties imposed at Barcelona upon scrap-iron imported from Havana by F. B. Hamel: Efforts to secure release of duties; minister of finance promises consideration and revocation of royal order imposing duties, if possible; correspondence.	684
523	Same to same (No. 308).....	Feb. 10	Claim of the American vessel <i>Masonic</i> vs. Spain: Spanish Government informed of acceptance of Baron Blanc as arbitrator and conditions of arbitration; Baron Blanc accepts position of arbitrator; note to foreign office.	687

LIST OF PAPERS.

LXXXVII

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1885.		
524	Mr. Reed to Mr. Frelinghuysen (No. 31).	Feb. 24	Manifests of vessels in Cuba and Porto Rico: Captains of vessels not be liable to fine or responsibility where error is result of mistake in translation of manifest.	688
525	Mr. Frelinghuysen to Mr. Reed (No. 312).	Feb. 27	Fine imposed upon American vessel Ocean Pearl at Matanzas for error in manifest: Instructed to urge restitution of fine; no fraud intended; correspondence.	688
526	Mr. Reed to Mr. Frelinghuysen (No. 312).	Mar. 2	Claim of American vessel Masonic <i>vs.</i> Spain: Conference and correspondence with minister of state relative to arbitration of amount of damages; note of invitation to Baron Blanc agreed upon; latter has indicated willingness to act as arbitrator.	695
527	Same to same (No. 314).....	Mar. 3	Claim of American vessel Masonic <i>vs.</i> Spain: Baron Blanc formally accepts position of arbitrator; owner of Masonic should furnish evidence.	699
528	Mr. Bayard to Mr. Reed (No. 317).	Mar. 10	Duties imposed at Barcelona on scrap-iron imported from Havana by F. B. Hamel: Instructed to press case on its merits for return of duty; letter from consul-general at Havana, protest of Mr. Hamel, and reply of Department inclosed.	700
529	Same to same (No. 322).....	Mar. 23	Fine imposed upon American vessel Ocean Pearl at Matanzas for error in manifest: Letter from consul at Matanzas, and affidavit explaining discrepancy in manifest.	702
530	Mr. Reed to Mr. Bayard (No. 318).	Apr. 8	Cattle tax: Fees illegally exacted by Spanish consul at Key West on shipments of cattle to Cuba; minister of state asks for statement of United States to compare with that of Spanish consul, that settlement may be made; statement of claims on file at legation and correspondence inclosed.	703
531	Mr. Bayard to Mr. Reed (No. 327).	Apr. 9	Duties imposed at Barcelona on scrap iron imported from Havana by F. B. Hamel: Letter from consul-general at Havana showing Mr. Hamel's good faith; instructed to continue to urge case on its merits.	707
532	Mr. Bayard to Mr. Foster (No. 332).	Apr. 29	Cattle tax: Fees illegally exacted by Spanish consul at Key West on shipments of cattle to Cuba; letter from McGrew & Small, attorneys for claimants, suggesting return of fees through Department; adoption of suggestion lies with Spain.	710
533	Same to same (No. 336).....	May 6	Passport regulations in Cuba: Annoyance caused by requirement of <i>visa</i> by a Spanish consul; suggests clause in pending commercial treaty abolishing present system; letter from H. B. Plant complaining of annoyance.	711
534	Same to same (No. 342).....	May 28	Fine imposed upon American bark Charles L. Pearson, at Cienfuegos, for want of <i>visa</i> of manifest: Instructed to ask revision of fine on ground of absence of fraudulent intent; correspondence with consul-general at Havana.	712
535	Mr. Porter to Mr. Foster (No. 346).	June 2	Duties imposed at Barcelona on scrap iron imported from Havana by F. B. Hamel; metals sent to Barcelona had paid duty on entering Cuba in original state; decision requiring further onerous duty not equitable; instructed to urge claim; letter from Mr. Hamel and order imposing the duties.	714
536	Same to same (No. 349).....	June 6	Fine imposed upon American vessel Charles L. Pearson, at Cienfuegos, for want of <i>visa</i> of manifest: Master allowed to give bond until question of fine decided at Madrid; correspondence of consul-general at Havana.	716
537	Same to same (No. 350).....	June 8	Duties imposed at Barcelona on scrap iron imported from Havana by F. B. Hamel: Question as to whether duties were exacted under new rule or interpretation of old law; goods in transit should not be affected in either case.	718
538	Mr. Foster to Mr. Bayard (No. 319).	June 10	Fine imposed upon American vessel Ocean Pearl, at Matanzas, for error in manifest: Part of fine pertaining to Treasury remitted; regret expressed by Mr. Foster that whole amount of fine is not returned; correspondence.	718
539	Mr. Bayard to Mr. Foster (No. 353).	June 17	Fine imposed upon American vessel Charles L. Pearson, at Cienfuegos, for want of <i>visa</i> of manifest: Amount of fine deposited at Department pending diplomatic decision at Madrid.	719

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1885.		
540	Mr. Foster to Mr. Bayard (No. 326).	June 19	Fine imposed upon American vessel Charles L. Pearson, at Cienfuegos, for want of <i>visa</i> of manifest: Application made for remission of fine.	719
541	Same to same (No. 327).....	June 19	Duties imposed at Barcelona upon scrap iron imported from Havana by F. B. Hamel: Note to foreign office presenting case; minister of finance will be urged to remit duties.	719
542	Same to same (No. 330).....	June 24	Political: Ministerial crisis; condition of parties in Spain.	720
543	Same to same (332).....	June 27	Financial: Spanish budget, showing receipts and expenditures.	722
544	Same to same (No. 333).....	June 29	Claim of American vessel Masonic <i>vs.</i> Spain: Decision of Baron Blanc as arbitrator; \$51,674.17 awarded; suggests proper recognition of services of Baron Blanc; correspondence.	724
545	Same to same (No. 334).....	June 30	Passport regulations in Cuba: Annoyances from; minister of state declares no complaints have been made to Cuban government; insertion of stipulation abolishing present passport system in Cuba, in commercial treaty, will be attempted; correspondence.	726
546	Same to same (No. 346).....	July 8	Claim of American vessel Masonic <i>vs.</i> Spain: Memoir of arbitrator giving reasons of his decision in favor of Masonic.	729
547	Mr. Bayard to Mr. Foster (No. 372).	July 20	Claim of American vessel Masonic <i>vs.</i> Spain: Decision of Baron Blanc as arbitrator equitable and satisfactory; letter of thanks for his services.	732
548	Mr. Foster to Mr. Bayard (No. 361).	July 22	Claim of American vessel Masonic <i>vs.</i> Spain: Notification of Spanish Government accepting decision of the arbitrator as binding and without appeal.	733
549	Same to same (No. 364).....	July 23	Financial: Cuban budget for 1885-'6 inclosed, with comments on tariff, proposed loans, and public debt.	734
550	Same to same (No. 366).....	July 25	Railway construction in Cuba: Provisions of law providing for same stated.	737
551	Mr. Bayard to Mr. Foster (No. 377).	July 25	Fine imposed upon American vessel Ocean Pearl at Matanzas for error in manifest: Injustice in allowing customs officers at Matanzas to retain informer's moiety when fine is declared to be improperly imposed; question of informer's moiety to be considered in treaty negotiations; letter from consul at Matanzas.	738
552	Same to same (No. 378).....	July 29	Fine imposed upon American vessel Ocean Pearl at Matanzas for error in manifest: Government moiety of fine remitted; employés of custom-house still claim their moiety as informers; letter from consul-general at Havana.	740
553	Mr. Foster to Mr. Bayard (No. 375).	Aug. 3	Finances of Cuba: Wretched condition of; extracts of speeches in Spanish Cortes.	742
554	Mr. Bayard to Mr. Foster (No. 384).	Aug. 4	Cholera in Spain; Instructed on termination of his mission to convey deep sympathy of United States to people of Spain in their affliction.	746
555	Same to same (No. 385)	Aug. 5	Claim of American vessel Masonic <i>vs.</i> Spain: Instructed to accept on part of United States award of Baron Blanc as arbitrator.	746
556	Mr. Foster to Mr. Bayard (No. 382).	Aug. 7	Claim of American vessel Masonic <i>vs.</i> Spain: Appreciation of services of Baron Blanc as arbitrator conveyed to him; correspondence.	747
557	Same to same (No. 384).....	Aug. 10	Fine imposed upon American vessel Ocean Pearl for error in manifest: Right of informer to moiety not affected by condonation of fine; article, with object of placing fines entirely under Government control, embraced in project of new commercial treaty.	748
558	Same to same (No. 389).....	Aug. 18	Duties imposed at Barcelona on scrap iron imported from Havana by F. B. Hamel: Agent of Mr. Hamel has instituted legal proceedings; case must now be settled by judicial process; further action by legation inadvisable; correspondence with minister of finance.	749
559	Mr. Bayard to Mr. Foster (No. 390).	Aug. 21	Passport system in Cuba: Objections to; letter from consul-general at Havana and newspaper article showing discontent occasioned by present system.	751
560	Mr. Foster to Mr. Bayard (No. 394).	Aug. 22	Cattle tax: Fees illegally imposed by Spanish consul at Key West on shipments of cattle to Cuba; Spanish minister at Washington directed to return \$7,987.80, three-fourths of amount collected; suggests that statement be made that acceptance of this sum not a recognition of right of Spain to impose a tonnage tax in American ports; correspondence.	752

LIST OF PAPERS.

LXXXIX

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
561	Mr. Foster to Mr. Bayard (No. 396).	1885. Aug. 24	Claim of American vessel <i>Masonic vs. Spain</i> : Formal acceptance by United States of award of arbitrator communicated to Spanish Government; payment of award before expiration of six months fixed by agreement contemplated; correspondence with foreign office.	754
562	Same to same (No. 398).....	Aug. 26	Railway construction in Cuba: Probably no bidder for concession, as 8 per cent. interest on investment is provided by law to be guaranteed by Cuban treasury.	755
563	Same to same (No. 401).....	Aug. 29	Fine imposed upon American vessel <i>Charles L. Pearson</i> , at Cienfuegos, for want of <i>visa</i> of manifest; whole fine condoned; minister for foreign affairs states it is not to be regarded as a precedent; correspondence.	756
564	Mr. Bayard to Mr. Strobel (No. 394).	Sept. 7	Cattle tax: Fees illegally exacted by Spanish consul at Key West on shipments of cattle to Cuba; in accepting amount of illegal fees returned, right of Spain to exact an export tax in American ports, which is not permitted by United States laws, should be denied.	757
565	Mr. Strobel to Mr. Bayard (No. 439).	Oct. 13	Duties imposed at Barcelona on scrap iron imported from Havana by F. B. Hamel: Spain refuses to return excessive duty; custom-house regulations and tariff quoted to show injustice involved; instructions requested; note from minister of state.	758
566	Mr. Bayard to Mr. Strobel (No. 409).	Nov. 4	Duties imposed at Barcelona on scrap iron imported from Havana by F. B. Hamel: Instructed to represent injustice of imposing the duties, in view of ambiguity of regulations.	761
567	Same to same (No. 412).....	Nov. 17	Duties imposed at Barcelona on scrap iron imported from Havana by F. B. Hamel; Letter from J. B. Hamel arguing that scrap iron from Cuba should not pay duty.	761
568	Same to same (telegram)....	Nov. 27	Death of King of Spain: Condolence of United States to Queen regent.	762
569	Mr. Strobel to Mr. Bayard (No. 458).	Nov. 28	Death of King of Spain: Particulars of his illness and death; remains lying in state at Madrid; condolence of United States extended to Queen regent.	762
570	Same to same (No. 459).....	Nov. 30	Regency of Queen Maria Cristina under constitution: Condition of the succession; constitutional provisions for regency and oath of regent inclosed.	765
571	Mr. Bayard to Mr. Curry (No. 10).	Dec. 5	Tonnage fees exacted by Spanish consuls on cargoes for Cuba and Porto Rico: Suppression of fees guaranteed by commercial agreement with Spain of February 13, 1884; letter complaining of their continued exaction inclosed; information as to action of Spain in suppressing them desired; instructed to make representations, if necessary.	766
572	Same to same (No. 11).....	Dec. 10	Duties imposed at Barcelona on scrap iron imported from Havana by F. B. Hamel: Letter from J. B. Hamel stating existence of law passed by Cortes in 1873, and unrepealed, admitting free old metals from Antilles; instructed to investigate facts and use in argument with foreign office for return of duties.	767

CORRESPONDENCE WITH THE LEGATION OF SPAIN AT WASHINGTON.

573	Mr. Valera to Mr. Frelinghuysen.	1885. Jan. 8	Neutrality of United States: Violation of, by lottery established at Key West to aid filibustering expeditions against Cuba; asks prevention of such designs.	767
574	Same to same	Jan. 15	Neutrality of United States: Violation of, by Cuban insurgents at Key West; requests measures to prevent expedition against Cuba.	768
575	Mr. Frelinghuysen to Mr. Valera.	Jan. 16	Neutrality of United States: Violation of, by Cuban insurgents at Key West in organizing an expedition against Cuba; Departments of Justice, Treasury, and Navy, and governor of Florida asked to take action to prevent violation of neutrality.	768

CORRESPONDENCE WITH THE LEGATION OF SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
576	Mr. Frelinghuysen to Mr. Valera.	1885. Jan. 21	Neutrality of United States: Violation of, by Cuban insurgents at Key West; Attorney-General and Secretaries of Treasury and Navy have taken measures to prevent violation of neutrality laws.	769
577	Mr. Valera to Mr. Frelinghuysen.	Jan. 26	Annexation to Spain of territories between Western Bay and Cape Bojador, West Africa, without prejudice to existing rights of third parties.	769
578	Mr. Frelinghuysen to Mr. Valera.	Jan. 28	Neutrality of United States: Violation of, by expeditions against Cuba; no foundation of rumors of lottery to aid insurgents or of expedition against Cuba; precaution taken to prevent violation of neutrality laws.	769
579	Same to same.....	Feb. 27	Neutrality of United States: Violation of, by lottery at Key West to aid expedition against Cuba; Postmaster-General discovers no foundation of rumor.	770
580	Mr. Valera to Mr. Bayard...	Mar. 21	Neutrality of United States: Violation of, by filibustering expeditions against Cuba; complains of the hatching of plots in United States and sale of lottery tickets to aid expeditions, and desires their more effective suppression; expresses appreciation of action already taken by United States.	770
581	Mr. Bayard to Mr. Valera...	Mar. 31	Neutrality of United States: Violation of, by filibustering expeditions against Cuba; lotteries in States are under State control; no Federal statute prohibiting sale of lottery tickets; lotteries in States can be proceeded against by statement made under oath to State magistrate.	771
582	Mr. Valera to Mr. Bayard...	May 26	Neutrality of United States: Violation of, by expedition against Cuba from New Orleans by bark Adelina and schooner Mexico, chartered by filibusters; order from Attorney-General to prevent departure of the vessels requested.	772
583	Mr. Bayard to Mr. Valera...	May 28	Neutrality of United States: Violation of, by filibustering expedition from New Orleans; Attorney-General and Secretary of Treasury informed; judicial procedure will follow due information made to proper officer under oath.	773
584	Same to same.....	June 13	Neutrality of United States: Violation of, by expedition against Cuba from New Orleans; collector at New Orleans directed to prevent shipment of arms for Cuba by bark Adelina or other vessel.	773
585	Mr. Valera to Mr. Bayard...	July 21	Neutrality of United States: Violation of, through expedition against Cuba; complains of open manner in which expeditions are advocated and funds are collected at New York, New Orleans, and Key West, and at inadequate means of suppression adopted by United States; trial by jury futile.	774
586	Mr. Bayard to Mr. Valera...	July 31	Neutrality of United States: Violation of, through expeditions against peace of Cuba; comments on minister's complaint of inadequateness of United States laws to prevent violation of neutrality; expression of opinion not an indictable offense; State courts of United States are thoroughly competent to punish persons, whether native or alien, violating the laws.	776
587	Mr. Valera to Mr. Bayard...	Sept. 28	Neutrality of United States: Violation of, through expeditions against Cuba; states Cuban revolutionists at New York are to celebrate anniversary of outbreak of insurrection in Cuba in 1868; requests prevention of expedition to Cuba which may be started at same time.	779
588	Mr. Bayard to Mr. Valera...	Oct. 6	Neutrality of United States: Violation of, through expedition against Cuba; Attorney-General requested to prevent expedition from New York.	779
589	Same to same.....	Oct. 8	Neutrality of United States: Violation of, through expedition against Cuba; district attorney at New York directed to exercise vigilance to prevent violation of neutrality.	779
590	Mr. Valera to Mr. Bayard...	Oct. 10	Cattle tax: Fees illegally exacted by Spanish consul at Key West on shipments of cattle to Cuba; check inclosed for \$7,987.80, amount of illegally exacted fees returned, with list showing vessels and cargoes on which the fees were collected.	780
591	Mr. Bayard to Mr. Valera...	Oct. 14	Cattle tax: Fees illegally exacted by Spanish consul at Key West on shipment of cattle to Cuba; acknowledgment of check for \$7,987.80, amount of illegal fees returned.	780

LIST OF PAPERS.

XCI

CORRESPONDENCE WITH THE LEGATION OF SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
592	Mr. Valera to Mr. Bayard..	1885. Nov. 18	Claim of American vessel <i>Masonic vs. Spain</i> : Draft for \$52,937.72, amount of indemnity, awarded by arbitrator, and interest, inclosed.	781
593	Mr. Bayard to Mr. Valera..	Nov. 25	Claim of American vessel <i>Masonic vs. Spain</i> : Acknowledgment of draft for \$52,937.72, in payment of arbitrator's award and interest; appreciation of action of Spain; claimant's receipt inclosed.	781
594	Mr. Valera to Mr. Bayard..	Nov. 28	Death of King of Spain: Announcement of, and of appointment of new ministry.	781
595	Mr. Bayard to Mr. Valera..	Dec. 5	Death of King of Spain: United States minister to Spain was immediately instructed to convey to Queen regent the condolence of the United States.	782
596	Same to same.....	Dec. 7	Neutrality of the United States: Violation of, through expedition against Cuba from Key West; United States attorney and collector at Key West directed to prevent departure of suspected persons on such expedition.	782

SWEDEN AND NORWAY.

597	Mr. Thomas to Mr. Frelinghuysen (No. 100).	1885. Feb. 2	Duties proposed on agricultural imports: Bills to impose them introduced into Swedish Diet; protection and not revenue the object aimed at; danger to American interests; duties if levied would not apply to Norway.	783
598	Mr. Thomas to Mr. Bayard (No. 107).	Mar. 7	Duties proposed on agricultural imports: Committee of Swedish Diet has voted to report adversely on bill imposing duties, except as to maize; great interest in question manifested.	784
599	Same to same (No. 108).....	Mar. 20	Duties proposed on agricultural imports; Swedish Diet votes to admit pork, meats, and agricultural products free; account of legislative proceedings.	784
600	Mr. Bayard to Mr. Magee (No. 8).	July 31	Tonnage dues: Claim of Sweden and Norway to reduction conceded to vessels from certain ports under shipping act of June 26, 1884, by virtue of most-favored-nation clause of treaty with the United States; instructed to report on construction of most-favored-nation clause in treaties of Norway and Sweden with other foreign countries.	786
601	Mr. Magee to Mr. Bayard (No. 25).	Sept. 7	Commercial condition of Sweden and Norway: Depression following business activity; money market stringent; strained relations between Great Britain and Russia depress trade.	787
602	Same to same (No. 34).....	Oct. 9	Passport refused to an American citizen intending to make Mormon converts in Finland for transportation to Utah: Asks if law relative to issuing passports is mandatory or discretionary.	788
603	Mr. Bayard to Mr. Magee (No. 16).	Nov. 3	Passport refused by legation to Mormon emissary: action approved; law as to issuing passports permissive, not obligatory; polygamy a statutory crime in United States; fact of applicant's being a Mormon emissary should be conclusively proved.	788

CORRESPONDENCE WITH THE LEGATION OF SWEDEN AND NORWAY AT WASHINGTON.

604	Mr. Reuterskiöld to Mr. Bayard.	1885. June 17	Tonnage dues: Memorandum citing shipping act of June 26, 1884, granting exemptions to vessels from certain places, and claiming same favors for vessels from Sweden and Norway, by virtue of article 8 of treaty of 1827 with United States.	789
605	Same to same.....	Oct. 4	Tonnage duty: Same reduction in, as granted to vessels from certain places by shipping act of June 26, 1884, claimed for vessels from Sweden and Norway, by virtue of article 8 of treaty of 1827.	790

CORRESPONDENCE WITH THE LEGATION OF SWEDEN AND NORWAY AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
606	Mr. Bayard to Mr. Reuterskiöld.	1885. Nov. 7	Tonnage duty: Claim of Sweden and Norway to concessions granted to vessels from certain places by shipping act of June 26, 1885; same favors cannot be granted to vessels from Norway and Sweden by virtue of most-favored-nation clause of treaty, as the concession is geographical, and applies to vessels of all nations from ports mentioned in act.	790
607	Mr. Reuterskiöld to Mr. Bayard.	Nov. 11	Tonnage duty: Claim of Norway and Sweden to concessions granted to vessels from certain places by shipping act of June 26, 1884, by virtue of article 8 of treaty of 1827; reiterates claim; claim not set aside by answer of Department, as most-favored-nation clause not invoked.	791

SWITZERLAND.

608	Mr. Cramer to Mr. Frelinghuysen (No. 183).	1884. Nov. 26	Convict emigration: Pardon of Joseph Binzegger, under life sentence for incendiarism, on condition of emigrating to United States; note to federal council, protesting, inclosed.	792
609	Mr. Frelinghuysen to Mr. Cramer (No. 118).	Dec. 11	Convict emigration: Pardon of Joseph Binzegger, under life sentence for incendiarism, on condition of emigrating to United States; approves protest against; if his embarkation not prevented by Switzerland, he will be returned on reaching United States.	793
610	Mr. Cramer to Mr. Frelinghuysen (No. 188).	Dec. 18	Convict emigration: Pardon of Joseph Binzegger, under life sentence for incendiarism, on condition of emigrating to United States; incloses note from federal council; Binzegger pardoned without conditions; his intention to emigrate to Argentine Republic.	793
611	Same to same (No. 199).....	1885. Jan. 22	Passport application of illegitimate boy, born in United States but residing in Switzerland: His mother, deceased, had American passport; asks if passport, as required by Swiss law, can be issued to him, and, if so, gratis, in view of his extreme poverty; letter from consul at Zurich, stating facts, inclosed.	794
612	Mr. Frelinghuysen to Mr. Cramer (No. 126).	Feb. 13	Passport application of illegitimate son of an American citizen: He may elect on attaining majority American or Swiss nationality; during minority entitled to American protection and passport; passport fee prescribed by law, and cannot be dispensed with.	795
613	Mr. Cramer to Mr. Frelinghuysen (No. 204).	Feb. 20	Expulsion of Dr. H. T. C. Emeis, a naturalized American, from Switzerland on suspicion of being an anarchist: Revocation of order of expulsion requested by Mr. Cramer on Dr. Emeis producing evidence of citizenship, and proving innocence; note to Swiss Federal council.	796
614	Mr. Bayard to Mr. Cramer (No. 129).	Mar. 9	Expulsion of Dr. H. T. C. Emeis from Switzerland on suspicion of being an anarchist: His American citizenship and innocence regarded as established; approves action requesting rescinding of order of expulsion.	798
615	Mr. Cramer to Mr. Bayard (No. 209).	Mar. 9	Expulsion of Dr. H. T. C. Emeis from Switzerland on suspicion of being an anarchist: Order of expulsion revoked on further investigation by police; action of legation detailed; correspondence.	799
616	Same to same (No. 225).....	May 8	Mormons: Departure of seventy-five persons from Basle for New York, via Antwerp; their departure not protested against, as they were neither polygamists or paupers; if proper, they can be prevented from landing at New York.	803
617	Same to same (No. 229).....	June 8	Citizenship status of Robert Emden: He requests passport; his father a naturalized American; the son never in United States; father no intention of returning to America; asks if passport shall be granted; letter from Mr. Emden and affidavit inclosed.	803

SWITZERLAND—Continued.

No.	From and to whom.	Date.	Subject.	Page.
618	Mr. Cramer to Mr. Bayard (No. 235).	1885. June 20	Passport desired by Swiss authorities for Mrs. Margareth Blümeling, confined in insane asylum in Switzerland, and for her minor son, C. H. F. Blümeling: Under circumstances requirements of application for passport cannot be complied with; asks if one shall be issued.	805
619	Mr. Bayard to Mr. Cramer (No. 145).	June 27	Citizenship status of Robert Emden: Passport cannot be issued to him, as he has never been "dwelling in the United States," as required by statute.	806
620	Mr. Porter to Mr. Winchester (No. 4).	July 11	Passport desired by Swiss authorities for Mrs. Margareth Blümeling, now insane, and her minor son: Passport can be issued, application and affidavit being made by guardian or next friend.	807
621	Mr. Bayard to Mr. Winchester (No. 12).	Aug. 15	Marriages of American citizens abroad: Marriage ceremony performed before United States representative would be valid in United States, but might not be so outside of its jurisdiction; law of place where marriage is contracted should be complied with; each State of United States supreme in its legislation relative to marriage and divorce.	807
622	Mr. Winchester to Mr. Bayard (No. 8).	Aug. 26	Citizen status of Robert Emden: Case restated; he is 23 years old, and has never been in United States; he was born after his father's naturalization; asks if passport shall be granted; abuse of American citizenship by foreigners, who, by that means, escape all obligations of nationality.	809
623	Mr. Porter to Mr. Winchester (No. 14).	Sept. 14	Citizenship status of Robert Emden: Case reviewed and law stated; he should have elected American citizenship on attaining majority; if he elected Swiss nationality he cannot obtain a passport until naturalized in United States.	811
624	Mr. Winchester to Mr. Bayard (No. 23).	Oct. 29	Spirituuous liquors: Law to permit cantons to regulate sale of, and levy import duties on wines and liquors, carried by popular vote; regulations to be adopted to prevent intemperance; alarming increase of intemperance from free distillation.	812
625	Same to same (No. 24)	Nov. 4	Citizenship status of Richard Greisser, a minor and orphan, born in United States of alien parentage: Facts stated; asks if passport shall be granted.	813
626	Mr. Bayard to Mr. Winchester (No. 26).	Nov. 28	Citizenship status of Richard Greisser, a minor and orphan, born in United States of alien parentage: He is not regarded as an American citizen; law bearing on case commented upon.	814

TURKEY.

627	Mr. Heap to Mr. Frelinghuysen (No. 451).	1884. Nov. 21	Property purchased from Turkish Government by Rev. George C. Knapp, formerly belonging to an insolvent debtor to the Government at Bitlis: Decree of inferior court deciding sale illegal and sentencing Mr. Knapp to restore property; Mr. Knapp should not surrender property until indemnified for amount expended by him; facts recited; legation finds it impossible to comply with Porte's request that Mr. Knapp be again required to appear before tribunal; all legal measures have been fulfilled; correspondence.	815
628	Same to same (No. 453)	Dec. 1	School (Euphrates College) established by American missionaries at Harpoot, Armenia: Threat of provincial authorities to close school on ground that permit for its establishment has not been obtained; stay of proceedings requested by Mr. Heap until permit may be granted; correspondence.	819
629	Same to same (No. 457)	Dec. 18	Bibles of American Bible Society: New regulation requiring all books published by Bible and mission societies to bear inscription "For the use of Protestants" likely to prevent their sale; removal of obstruction to sale of the books made more difficult by the conversion of certain Mohammedans to Christianity; report of dragoman.	823

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
630	Mr. Frelinghuysen to Mr. Heap (No. 249).	1884. Dec. 31	School (Euphrates College) established by American missionaries at Harpoot, Armenia, and ordered to be closed by provincial authorities: Closing of college would impair our relations with Turkey; hope that technical point of permit will be fulfilled by its issuance.	825
631	Mr. Wallace to Mr. Frelinghuysen (No. 460).	1885. Jan. 8	Claim of Dr. Maurice Pflaum <i>vs.</i> Turkey for imprisonment by Turkish authorities: Irregularities in the proceedings against Dr. Pflaum, and punishments inflicted therefor; suggests that claim for indemnity be pressed with vigor.	825
632	Mr. Frelinghuysen to Mr. Heap (No. 251).	Jan. 10	Books of American Bible Society, obstructions to the sale of, in Turkey: Regulations prepared by recent joint commission are an international understanding not to be set aside by either party; United States regards matter settled by mutual agreement, and expects and insists that agreement shall be observed.	826
633	Mr. Wallace to Mr. Frelinghuysen (No. 461).	Jan. 13	Claim for indemnity of Messrs. Knapp and Reynolds, attacked by Kurds near Bitlis: Irregularities committed by the magistrates and punishment inflicted therefor; examination and judgment of the affair promised; immunity from arrest of Moussa Bey, the principal assailant.	827
634	Mr. Frelinghuysen to Mr. Wallace (No. 254).	Jan. 22	Extraterritoriality: Disputed interpretation of the fourth article of the treaty of 1830 between the United States and Turkey; position of Turkey and incongruity of Turkish claim; instructed to report in full before further instructions are issued.	827
635	Mr. Wallace to Mr. Frelinghuysen (No. 466).	Jan. 24	Tariff of Turkey: United States receiving the same treatment from Turkey as other powers under most-favored-nation clause of treaty of 1830; tariff negotiations of Turkey with United States and European powers; Porte desires to put all powers on a perfect equality of privilege; points evoked by conversation with minister for foreign affairs.	829
636	Same to same (No. 467).....	Jan. 24	School (Euphrates College) established at Harpoot, Armenia, by American missionaries, and ordered to be closed by provincial authorities: Latter refuse to grant a permit to college; minister of public instruction has instructed Harpoot authorities to issue permit; payment of fine for using printing press without permit advised, as laws should be complied with before legation can intervene.	831
637	Mr. Frelinghuysen to Mr. Wallace (No. 257).	Jan. 29	Claim of Dr. Maurice Pflaum <i>vs.</i> Turkey for imprisonment by Turkish authorities: Instructed, if offer to make reparation for irregularities in proceedings against Dr. Pflaum be not made within reasonable time, to renew and press demand for payment of suitable money indemnity.	831
638	Mr. Wallace to Mr. Frelinghuysen (No. 468).	Jan. 30	Books of the American Bible Society: Obstacles to their sale at Erzeroom; minister of public instruction denies sending order to censor, at Erzeroom, that the books must pass censorship there; note to minister of public instruction.	832
639	Mr. Frelinghuysen to Mr. Wallace (No. 260).	Feb. 4	Claim for indemnity of Messrs Knapp & Reynolds, attacked by Kurds near Bitlis: Irregularities in the proceedings; United States expect Turkey will make early and due reparation for the outrages committed by Moussa Bey, whose identity is beyond question.	834
640	Mr. Wallace to Mr. Frelinghuysen (No. 471).	Feb. 6	Schools conducted by American missionaries closed by the Governor of Syria: Schools in question not American, but native schools carried on under supervision of American missionaries, and were probably closed for non-compliance with law requiring permits.	834
641	Same to same (No. 475).....	Feb. 12	Seizure of property belonging to Dr. Eddy, an American citizen; action to be taken will depend on whether house was inhabited by Dr. Eddy as his residence; correspondence. Books of the American Bible Society and closing of schools in Syria: Opening of schools depends upon missionaries applying for permits [required by law; president of board of education assures legation that he will report favorably for restoration of arrangement perfected by commission two years ago respecting the sale of missionary books.	838

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
642	Mr. Wallace to Mr. Frelinghuysen (No. 476).	1885. Feb. 23	Tariff of Turkey upon American productions 8 per cent. ad valorem: Other countries pay same, except Austria, whose treaty still in force; Austrian minister has unsuccessfully endeavored to obtain same terms; minister for foreign affairs desires co-operation of American delegate in revision of Turkish tariff and preparation of new commercial treaty; instructions requested; correspondence inclosed.	839
643	Same to same (No. 477).....	Feb. 24	School (Euphrates College) established by American missionaries at Harpoot (Armenia), ordered to be closed by the provincial authorities: Satisfactory settlement soon expected.	840
644	Mr. Frelinghuysen to Mr. Wallace (No. 265).	Feb. 25	School (Euphrates College) established by American missionaries at Harpoot (Armenia), ordered to be closed by provincial authorities: Department gratified at apparently amicable adjustment of differences.	841
645	Same to same (No. 268).....	Feb. 27	Commercial treaty with Turkey: Good disposition of United States; further report awaited before giving definite instructions in regard to new tariff and treaty.	841
646	Mr. Wallace to Mr. Frelinghuysen (No. 479).	Feb. 28	Claim of Dr. Maurice Pflaum <i>vs.</i> Turkey for imprisonment: Demand for indemnity renewed; note to foreign office inclosed.	841
647	Same to same (No. 480).....	Feb. 28	Claim for indemnity of Messrs. Knapp and Reynolds, attacked by Kurds near Bitlis: Irregularities in proceedings against assailants; judgment under which delinquent magistrates have been put not sufficient satisfaction for injuries inflicted; demand for money indemnity renewed; note to foreign office.	842
648	Mr. Bayard to Mr. Wallace (No. 274).	Mar. 13	Property purchased from Turkish Government by Rev. George C. Knapp, formerly belonging to an insolvent debtor to the Government at Bitlis: Case reviewed; Mr. Knapp should continue contest in Turkish courts to maintain his right to property; should sale be finally declared illegal, Mr. Knapp has remedy against Turkey for amount of purchase money and expenses incurred.	843
649	Same to same (No. 280).....	Mar. 25	Claims of Dr. Pflaum and Messrs. Reynolds and Knapp <i>vs.</i> Turkey: Turkey should perceive justice of tendering reparation for actual injuries; question of demand for exemplary and consequential damages reserved.	844
650	Mr. Wallace to Mr. Bayard (No. 487).	Apr. 3	School (Euphrates College) established by American missionaries at Harpoot, Armenia, and ordered to be closed by provincial authorities: Vali of Harpoot instructed to deliver a permit to the school on compliance with regulations on subject.	844
651	Same to same (No. 490).....	Apr. 9	Property purchased from Turkish Government by Rev. George C. Knapp, formerly belonging to an insolvent debtor to the Government at Bitlis: Decree of inferior court deciding sale illegal: Turkish Government has caused an "opposition proceeding" to be instituted to prevent issuance of execution and for avoidance of judgment of lower court.	845
652	Same to same (No. 491).....	Apr. 9	Claims of Messrs. Knapp, Reynolds, and Dr. Pflaum <i>vs.</i> Turkey: Turkish Government expresses inability to accede to demands for indemnity, as in penal matters no provision exists giving permission to private persons to claim indemnity from the state; note from foreign office.	846
653	Mr. Bayard to Mr. Emmet (No. 289).	May 29	Citizenship status of Kevork Gulizyan and Bedros Iskiyan: Turkey refuses to certify to, on the ground that their passports do not show that they left the Ottoman Empire prior to promulgation of law of 1869 forbidding Turkish subjects to leave the country without permission; no law in United States requiring passport to state when naturalized citizen left his native country; instructed to protest.	847
654	Mr. Porter to Mr. Emmet (No. 293).	June 8	Taxes imposed upon, and onerous duties exacted of relatives of J. J. Arakelyan, a naturalized American citizen, in Turkey, because of the latter's absence: Decree imposing tax on the person when the party is elsewhere domiciled and	848

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1885.		
655	Mr. Bayard to Mr. Emmet (No. 296).	June 29	elsewhere a citizen is internationally void; instructed to request the return of taxes paid on Mr. Arakelyan's account and that no further taxes on his account be imposed upon his family; correspondence. Citizenship status of E. Chryssofondis, whose American citizenship is denied on his revisiting Turkey: Attention called to statement of Turkish officer at Dardanelles that by treaty with foreign Governments a Turk resumed his former Turkish allegiance by landing in Turkey; United States has made no such treaty; instructed to call upon consular agent at Dardanelles for report; correspondence.	849
656	Mr. Emmet to Mr. Bayard (No. 513).	July 21	Citizenship status of naturalized American citizens of Turkish origin upon revisiting their native country: Majority of cases where naturalization is questioned are where people left Empire to escape payment of debt, evade criminal process, or without permission of Government; Turkish law on subject; steps to be taken by those having violated the law; precaution to be taken by naturalized Turks in order to inherit from Ottoman subjects.	851
657	Same to same (No. 515)	July 23	Citizenship status of E. Chryssofondis: Refusal of Turkish authorities to issue him a pass; proofs of Mr. Chryssofondis's naturalization found to be incomplete; refusal of recognition by Turkish authorities based on law of 1869, which will prove a barrier to his inheriting from his parents, unless steps indicated be taken to obtain the Imperial irade; correspondence with consular agent at Dardanelles.	852
658	Same to same (No. 516)	July 23	Taxes imposed upon, and onerous duties exacted of relatives of J. J. Arakelyan, a naturalized American, in Turkey, because of his absence: Relatives entered into bonds to enable him to absent himself; steps to be taken to have his name stricken from the records.	854
659	Mr. Bayard to Mr. Cox (No. 6).	Aug. 17	Citizenship status of E. Chryssofondis: Department has offered, upon proof of Mr. Chryssofondis's naturalization, to apply to the Turkish minister for an irade.	855
660	Same to same (No. 7)	Aug. 17	Taxes imposed upon, and onerous duties exacted of the relatives of J. J. Arakelyan, a naturalized American citizen, in Turkey, because of his absence: Department has offered to apply to the Turkish minister for an irade relieving his relatives.	855
661	Same to same (No. 9)	Aug. 17	Missionaries (American), in Ottoman Empire: Restrictions placed upon them by the Turkish Government; missionary statistics furnished; alleged neglect of American citizens in Turkey by their Government; case of Rev. Mr. Knapp cited as an instance; action taken by former administrations defended and approved; general instructions on subject; correspondence with American board of commissioners for foreign missions.	855
662	Same to same (No. 10)	Aug. 17	Claims of Messrs. Knapp, Reynolds, and Pflaum vs. Turkey for assaults and imprisonment: Adverse decision of Turkish Government; United States unable to accept position of Turkey that she is not to be held pecuniarily responsible for acts complained of; brief of case given; claims possess much merit and Turkey should be urged to make settlement.	859
663	Same to same (No. 15)	Aug. 27	Taxes imposed upon and onerous duties exacted in Turkey of relatives of J. J. Arakelyan, a naturalized American citizen, because of his absence without permission: Gives letter from Mr. Arakelyan giving reasons why he left Turkey and came to United States; instructed to apply for an irade, that his name may be stricken from Turkish records	860
664	Same to same (No. 16)	Aug. 29	Expulsion from Safed, Palestine, of Louis and Jacob Lubrowsky, naturalized Americans, because of their Hebrew faith: Bonds required of them to depart in ten days unless special license is obtained; United States expects no distinction	862

TURKEY--Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1885.	tion to be made as regards American citizens in Turkey on ground of their faith; rights granted to most-favored nations only can be demanded as of right.	
665	Mr. Cox to Mr. Bayard (No. 14).	Sept. 18	School (Euphrates College) established by American missionaries at Harpoot, Armenia: Good offices of British consul asked in absence of a United States representative.	862
			Robbery of Rev. J. F. Smith and party by Circassian soldiers near Tocat: Robbers arrested, but not punished, and no return made of property stolen; representation made to Porte; correspondence.	
666	Same to same (No. 22)	Sept. 24	Expulsion of Louis and Jacob Lubrowsky, American Jews, from Safed, Palestine, on account of their religion: Action taken by consul-general and consul at Beirut in protesting against their expulsion; nothing further heard of their expulsion; correspondence.	864
667	Mr. Bayard to Mr. Cox (No. 27).	Oct. 8	School (Euphrates College) established by American missionaries at Harpoot, Armenia: Thanks to be conveyed to British minister for exercise of good offices by British consul at Harpoot, where there is no United States representative; thanks also to be conveyed through United States legation at London.	868
668	Mr. Cox to Mr. Bayard (No. 25).	Oct. 10	Claims of Messrs. Reynolds and Knapp and Dr. Pflaum vs. Turkey: Note to minister for foreign affairs reopening cases and making demand for indemnity.	868
669	Same to same (No. 26)	Oct. 13	Tariff Revision (Turkish) Conference: Turkey desires resumption of same, and appointment of American delegate, and to discuss commercial treaty; instructions desired; correspondence with foreign office.	870
670	Mr. Bayard to Mr. Cox (No. 31).	Oct. 15	Expulsion of Louis and Jacob Lubrowsky, American Jews, from Palestine, on account of their Jewish religion: Consul-general's instruction, that they should not yield to order of expulsion unless force was applied, approved; United States cannot admit application of a religious test to American citizens; matter may rest without further proceedings.	871
671	Mr. Cox to Mr. Bayard (No. 31).	Oct. 17	Taxes (excessive) to support local schools levied upon foreigners in Mytilene; Mr. Cox has protested; correspondence.	872
672	Same to same (No. 35)	Oct. 24	Citizenship status of Kevork Gulizyan and Bedros Iskiyan, naturalized Americans: Turkish bureau of nationality still refuses to recognize their passports unless it is shown that they emigrated to United States before Turkish law of 1869, requiring permission of Government to emigration; Mr. Cox has protested against this decision; correspondence.	873
673	Mr. Bayard to Mr. Cox (No. 36).	Oct. 28	Commercial treaty and Turkish tariff: Consul-General Heap authorized to attend conference under directions of Minister Cox; United States waives question of abrogation of treaty of 1862, and will participate in new negotiations on basis of most-favored-nation privileges; valuation of articles of importation and comparison of same with duties charged should be made by Consul-General Heap.	877
674	Mr. Cox to Mr. Bayard (No. 44).	Nov. 3	Expulsion of Louis and Jacob Lubrowsky, American Jews, from Safed, Palestine, on account of their Jewish faith: No further information relative to case; protest thought to have concluded matter.	878
675	Mr. Bayard to Mr. Cox (No. 44).	Nov. 11	Taxes (excessive) to support local schools levied upon foreigners at Mytilene: Taxes for such purpose proper, and damages for them when excessive should be redressed by local courts; as no Americans are affected, Mr. Cox's note to minister for foreign affairs premature; nothing further should be done until Department receives reply of Turkey.	878
676	Mr. Cox to Mr. Bayard (No. 55).	Nov. 14	Diplomatic questions growing out of missionary difficulties in Turkey arising from closing of schools, prohibition to sell books, assaults on Messrs. Reynolds and Knapp; claim of Dr.	879

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
677	Mr. Bayard to Mr. Cox (No. 49).	1885. Nov. 28	Pflaum, &c.: Reviews whole subject; difficulties and delays in obtaining redress; notes to foreign office expressing disappointment at delay of Turkey in affecting settlement. Naturalization treaty: Instructed to propose negotiation on basis of unratified treaty of 1874 and naturalization treaties with Great Britain and Austria; discusses citizenship cases of Kevork Guligyan and Bedros Iskiyan, whose passports Turkish bureau of nationality refused to recognize; United States upholds natural right of expatriation; information as to functions of bureau of nationality desired.	885

CORRESPONDENCE WITH THE LEGATION OF TURKEY AT WASHINGTON.

678	Tevfik Pasha to Mr. Frelinghuysen.	1884. Apr. 26	Extraterritoriality question: Right of United States consuls under treaty of 1830 to exercise exclusive criminal jurisdiction not admitted by Turkey; reviews correspondence, and asks prompt settlement of question; same privileges will be granted by Porte to American citizens as granted to citizens of other powers; cites action of consul at Beirut in refusing to act upon mandate of Turkish court issued against an American missionary.	890
679	Mr. Frelinghuysen to Tevfik Pasha.	May 31	Extraterritoriality question: United States cannot accept argument of Turkey as to interpretation of article 4 of treaty of 1830; Turkey never furnished paraphrase of article 4, or explained what was usage towards other Franks in 1830, as requested by United States; tribunals to which it is held Americans citizens are amenable originated after 1830; Turkish position shifting; article 4 not a "most favored nation" clause, but explicit.	892
680	Tevfik Pasha to Mr. Davis..	Aug. 30	Commercial treaty of 1862: Turkey claims that it has ceased to exist, by notice of Porte of its abrogation; ad valorem duties will be levied on American goods; "most favored-nation" treatment denied; negotiation for new treaty and tariff desired.	895
681	Mr. Frelinghuysen to Tevfik Pasha.	Oct. 24	Commercial treaty of 1862: By its abrogation by Turkey United States claims "most favored nation" treatment under treaty of 1830; American representative in Turkey will protest against levying of ad valorem duty on American goods as treaty violation; United States ready to negotiate for new treaty on basis of same treatment as extended to other powers.	896
682	Tevfik Pasha to Mr. Frelinghuysen.	Nov. 26	Extraterritoriality question: Interpretation of article 4 of treaty of 1830; reviews question at length; holds that Americans accused of crime should be tried by Turkish tribunals in presence of United States minister or consul; Americans accorded same privileges as enjoyed by other foreigners in Turkey; asks that instructions be sent to American minister to negotiate and settle question; incloses letter from foreign office to American minister requesting a definite settlement.	898
683	Same to same.....	Nov. 30	Commercial treaty: Turkey will grant "most favored nation" treatment to United States products if her products are granted same privileges in United States; products of all nations now subjected to same treatment in Turkey except those of Austria-Hungary; protest by United States against levying of ad valorem duty will complicate question; immediate negotiation of new tariff and treaty desired.	901

VENEZUELA.

684	Mr. Baker to Mr. Bayard (No. 49).	1885. Mar. 23	Ship's papers. Custody of, in Venezuelan ports: Question will receive consideration during present Venezuelan Congress.	902
-----	-----------------------------------	------------------	---	-----

LIST OF PAPERS.

XCIX

VENEZUELA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
685	Mr. Bayard to Mr. Baker (No. 51).	1885. Mar. 24	Claim <i>vs.</i> Venezuela growing out of collision of American schooner Lanie Cobb and Venezuelan vessel Ana Eulogia in the port of La Guayra: Redress refused by Venezuelan authorities; instructed to investigate case and report whether facts warrant demand for damages; letter from consul at La Guayra.	903
686	Mr. Baker to Mr. Bayard (No. 53).	Mar. 30	Locusts: Visitation of, and devastation caused by, in Venezuela.	904
687	Mr. Bayard to Mr. Baker (No. 56).	Apr. 9	Claim <i>vs.</i> Venezuela growing out of collision of American schooner Lanie Cobb and Venezuelan vessel Ana Eulogia in port of La Guayra: Statement of facts, and damages sustained by the Lanie Cobb; dispatch from consul at La Guayra.	905
688	Same to same (No. 58)	Apr. 21	Ship's papers, Custody of, in Venezuelan ports: Annoyance and inconvenience caused by Venezuelan law in reference thereto; instructed to press upon Venezuelan Government necessity for a modification of the law; dispatch from consul at La Guayra.	912
689	Same to same (No. 59)	Apr. 22	Claim <i>vs.</i> Venezuela, growing out of collision of American schooner Lanie Cobb and Venezuelan schooner Ana Eulogia in port of La Guayra: Additional incidents relative to; conclusion of Venezuelan officials that the Lanie Cobb not entitled to damages; dispatch from consul at La Guayra.	913
690	Mr. Baker to Mr. Bayard (No. 80).	Apr. 22	Claim <i>vs.</i> Venezuela growing out of collision of American schooner Lanie Cobb and Venezuelan schooner Ana Eulogia in port of La Guayra: Statement of facts requested by consul at La Guayra.	914
691	Mr. Bayard to Mr. Baker (No. 60).	Apr. 24	Ship's papers, Custody of, in Venezuelan ports: Instructed to press for modification of present law on subject.	914
692	Mr. Baker to Mr. Bayard (No. 88).	May 6	Claim <i>vs.</i> Venezuela growing out of collision of American schooner Lanie Cobb and Venezuelan schooner Ana Eulogia in port of La Guayra: Facts warrant a demand for damages in favor of the master of the Lanie Cobb; dispatches from consul at La Guayra.	915
693	Same to same (No. 93)	May 11	Ship's papers, Custody of, in Venezuelan ports: Reluctance of Venezuela to make modification in the law desired by United States; note to minister for foreign affairs urging the modification.	916
694	Mr. Scott to Mr. Bayard (No. 12):	July 3	Revolution in Venezuela: Energetic measures taken by Venezuelan Government for its suppression; occupation of Carupano by rebels; decree declaring revolutionary steamer Justicia Nacional a pirate and offering reward for her capture; correspondence with foreign office.	917
695	Same to same (No. 16)	July 7	Revolution in Venezuela: Defeat of revolutionists at Carupano; suggests American man-of-war be sent to Venezuelan waters to protect American interests.	918
696	Same to same (No. 19)	July 9	Pirates: Revolutionary steamers Justicia Nacional and El Torito declared pirates by decree of Venezuela, and reward offered for their capture.	919
697	Mr. Bayard to Mr. Scott (No. 15).	July 24	Pirates: Decree of Venezuela declaring revolutionary steamers Justicia Nacional and El Torito to be pirates; decree of Government does not invest a revolted national ship in hands of insurgents with piracy; her own acts determine her piratical or non-piratical character.	920
698	Mr. Scott to Mr. Bayard (No. 21).	July 24	Revolution in Venezuela: Announcement of President of Venezuela of its suppression; Venezuela congratulated; correspondence with minister for foreign affairs.	920
699	Mr. Bayard to Mr. Scott (No. 22).	Sept. 3	Claim <i>vs.</i> Venezuela growing out of collision of American schooner Lanie Cobb and Venezuelan vessel Ana Eulogia in port of La Guayra: Master of Lanie Cobb entitled to damages; facts and previous negotiations reviewed; instructed to present claim and press for payment.	923
700	Mr. Scott to Mr. Bayard (No. 35).	Oct. 14	Claim <i>vs.</i> Venezuela growing out of collision of American schooner Lanie Cobb and Venezuelan vessel Ana Eulogia in port of La Guayra: Claim of master of Lanie Cobb for damages; note to minister for foreign affairs, presenting claim and requesting payment inclosed.	926

VENEZUELA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
701	Mr. Bayard to Mr. Scott (No. 35).	1885. Dec. 4	Ship's papers, Custody of, in Venezuelan ports: Embarrassments to American vessels from their papers being held at custom-houses while ships are in port; letter from consul at Maracaibo stating difficulties and suggesting remedies; instructed to press for modification of regulations as suggested by the consul.	928

CORRESPONDENCE WITH THE LEGATION OF VENEZUELA AT WASHINGTON.

702	Mr. Soteldo to Mr. Bayard ..	1885. Apr. 2	Claim of John E. Wheelock <i>vs.</i> Venezuela: Reviews negotiations; \$6,000 offered by Venezuela in settlement, to be paid in two installments; this offer accepted by Secretary of State.	930
703	Mr. Bayard to Mr. Soteldo..	Apr. 3	Claim of John E. Wheelock <i>vs.</i> Venezuela: Amount fixed as indemnity considered inadequate, but is accepted contingent upon the faithful observance by Venezuela of terms of agreement reached.	932
704	Same to same.....	Apr. 10	Claim of John E. Wheelock <i>vs.</i> Venezuela: Six thousand dollars to be paid in satisfaction of claim in United States currency.	932
705	Mr. Soteldo to Mr. Bayard..	Apr. 13	Claim of John E. Wheelock <i>vs.</i> Venezuela: Understanding that the \$6,000 indemnity is to be paid in United States currency, meets his approval.	933
706	Same to same.....	June 29	Claim of John E. Wheelock <i>vs.</i> Venezuela: Venezuela approves agreement between Mr. Soteldo and Secretary Bayard for settlement of, but does not accept as a precedent that persons injured by officials can appeal to diplomatic intervention before having recourse to judicial proceedings; states he is ready to pay first installment of indemnity.	933
707	Mr. Bayard to Mr. Soteldo..	July 7	Claim of John E. Wheelock <i>vs.</i> Venezuela: Draft for \$3,000, first half of sum in settlement, acknowledged; United States does not understand that settlement is a precedent for claims of its character; but municipal enactments cannot bar diplomatic rights.	934
708	Mr. Soteldo to Mr. Bayard..	July 21	Pirates: Venezuela has declared as, revolutionary steamers Justicia Nacional and El Torito; requests that they be so regarded by United States if they reach American ports.	935
709	Mr. Bayard to Mr. Soteldo..	July 24	Pirates: Decree of Venezuela declaring revolutionary steamers Justicia Nacional and El Torito pirates cannot be recognized by United States; action of the vessels will determine their character; revolutionary vessels will not be received in ports of United States, except in case of distress; cites international law, and incloses correspondence on similar occasion with Colombian minister.	935
710	Same to same.....	Oct. 16	Claim of John E. Wheelock <i>vs.</i> Venezuela: Second half of indemnity due and not received.	936
711	Same to same	Dec. 7	Claim of John E. Wheelock <i>vs.</i> Venezuela: Second installment of indemnity, due October 3, not received; regret at failure of Venezuela to carry out agreement.	937
712	Mr. Soteldo to Mr. Bayard..	Dec. 12	Claim of John E. Wheelock <i>vs.</i> Venezuela: Delay in meeting second installment caused by adjournment of Venezuelan Congress before insertion of amount stipulated in the budget; the payment will soon be made.	937
713	Mr. Bayard to Mr. Soteldo..	1886. Jan. 14	Claim of John E. Wheelock <i>vs.</i> Venezuela: Second installment of indemnity should be paid forthwith, with interest added to cover delay.	938
714	Mr. Soteldo to Mr. Bayard..	Jan. 26	Claim of John E. Wheelock <i>vs.</i> Venezuela: Delay in payment of second installment of indemnity due to unexpected expenditure growing out of revolution in Venezuela; regrets delay; payment will soon be made.	938
715	Mr. Bayard to Mr. Soteldo..	Mar. 12	Claim of John E. Wheelock <i>vs.</i> Venezuela: Receipt inclosed for second and final installment of indemnity; this cannot be accepted as full settlement; interest for five months on delayed payment requested.	939

CORRESPONDENCE.

ARGENTINE REPUBLIC.

No. 1.

Mr. Frelinghuysen to Mr. Osborn.

No. 221.]

DEPARTMENT OF STATE,
Washington, December 29, 1884.

SIR: I inclose a copy of a letter from Mr. Scrymser, president of the Central and South American Telegraph Company, and observe that if you should find, on inquiry, that the use of your good offices in the case would tend to improve the telegraphic communication which the United States now enjoys with the Argentine Republic, you can act in this direction, but no action should be taken to prejudice the interests of American citizens, provided such interests exist and are exercised in a commendable manner.

I am, &c.,

FREDK. T. FRELINGHUYSEN.

[Inclosure in No. 221.]

Mr. Scrymser to Mr. Frelinghuysen.

NEW YORK, December 9, 1884.

DEAR SIR: I have the honor to inclose a form of contract which this company is desirous of arranging with the Argentine Republic, and have to request that you will instruct the American minister to the Argentine Republic to obtain from that Government its approval substantially in the form herewith inclosed.

I had the honor of addressing you in regard to the telegraph connections with Brazil via the Argentine Republic, November 24, 1883, and I regret to state that the *monopoly* then complained of still exists.

I inclose for your information a chart, and will explain that the cable between the city of Buenos Ayres and Montevideo is owned by an English company, which is in exclusive alliance with the cables laid to Portugal and England, and which you will note land at various places on the coast of Brazil.

This cable originally had exclusive rights from the Argentine Republic, which have now expired, and the monopoly is only maintained through the rights obtained from Uruguay. The monopoly is so complete that although many messages are sent from Europe and from the United States to Brazil, via the lines of this company, not a single message is permitted to be returned via this company's lines, thereby imposing upon all American telegrams the additional charge of fifty cents a word, which is the charge of the Atlantic cables from England to this country.

The Governments of the Argentine Republic and Brazil are both anxious for another outlet for their foreign telegrams independent of the European route, and politically and geographically there is every reason for the establishment of an independent line.

In past years your Department has done much to promote contracts of this nature. It was through the instructions of the Hon. William H. Seward to our minister in

Spain that in 1865 the contract for the establishment of a cable connecting the United States with Cuba and other West India islands was obtained from the Government of Spain by the International Ocean Telegraph Company. Similar instructions and authority were given by the State Department to the Hon. James Watson Webb, American minister to Brazil, and on August 9, 1878, the Hon. Frederick W. Seward, Acting Secretary of State, informed me that instructions of a like nature had been sent to the Hon. Mr. Foster, which I am pleased to state resulted in obtaining from the Government of Mexico a contract which has enabled this and its connecting companies to establish telegraph communication with all the nations of Central and South America, excepting Brazil.

I therefore ask that your Department will forward to our minister in the Argentine Republic the necessary instructions to obtain from that Government the authority asked for.

On receipt of your answer to this application, I will send to our minister full instructions and the necessary power of attorney.

I have, &c.,

JAMES A. SCRYMSER,
President.

No. 2.

Mr. Osborn to Mr. Bayard.

No. 450.]

LEGATION OF THE UNITED STATES,
Buenos Ayres, April 20, 1885. (Received June 2.)

SIR: On the invitation of the president of the Republic, through the minister of foreign affairs, with two of his ministers, the diplomatic corps and some three hundred other guests, composed of governors of the provinces, senators, and national deputies, I accompanied him to Mendoza and San Juan, the capitals of the two provinces of the same name, to assist in the inauguration of the Andean Railroad, completed to those points. The city of Mendoza is located at the foot of the Andes Mountains, and at the pass or the mouth of the pass, through the mountains to Santiago, Chili. San Juan is also located at the foot of the mountains, but 90 miles north of Mendoza.

The road inaugurated was constructed by the Government at the cost of about \$10,000,000, and with its connections connects Buenos Ayres, the capital of the Republic, with the two cities above named, a distance of about 700 miles.

A private company has a concession from the Argentine and Chilian Governments to extend the road from Mendoza to Santiago, Chili, which is now being pushed forward.

A portion of the country over which we passed is barren, but fit for any kind of agriculture adapted to the latitude, with irrigation.

It is peculiarly adapted to grape-culture on account of its volcanic formation, and we found the vineyards in a high state of cultivation and excellent wines produced.

The road inaugurated is equipped with American cars and locomotives, and it was with peculiar national pride that I witnessed most of the party, for the first time, introduced to the magnificent Pullman sleepers, seven in number, made in the United States, and which did us such good service on our journey.

After an absence of two weeks we returned to this city on the 18th instant, without accident or unnecessary delay.

I have, &c.,

THOS O. OSBORN.

No. 3.

Mr. Osborn to Mr. Bayard.

No. 452.]

LEGATION OF THE UNITED STATES,
Buenos Ayres, May 8, 1885. (Received June 27.)

SIR: The annual session of the Argentine Congress was formally opened on the 7th instant by President Roca, when he read his message to both houses, assembled in the Chamber of Deputies.

The message of the President is shorter than usual, but is a plain, concise statement of public affairs, and I think it will be well received by the public.

The President opens his message by stating that the country is at peace, both at home and abroad, that the diplomatic difficulty with the Papal Nuncio had been settled according to international law, and that the country continues to progress prosperously in its material, moral, and intellectual forces.

Under the head of balance of trade the President says that until 1882 the balance was in favor of the country, although there was no decrease in exports in 1883, but there was an excess of imports to the amount of \$20,000,000, and in 1884 \$26,000,000. The exports show an increase of 13 per cent. over 1883, and the first three months of 1885 the exports advanced to \$23,000,000 and the imports to \$19,000,000.

The general revenue for 1884 was estimated at \$33,000,770, and over \$37,000,000 were actually received, being 20 per cent. more than in 1883. The actual expenditure was a little over \$32,000,000, leaving a surplus of over \$5,000,000.

The custom-house receipts for the first quarter of the present year show an increase of 15 per cent.

It is affirmed in the message that the national engagements are faithfully performed, no delay having occurred in the service of either internal or external debt, and that the Argentine Government will continue most religiously to pay the public debt.

Under the head of public works executed, it is stated that railways are advancing in every direction, and that the country now possesses 4,128 kilometers of railways in working order and 1,978 in the course of construction, which will all be finished by the end of 1886, by which time the railways will have cost \$120,000,000.

The revenue of the post-office during the year 1884 was \$638,675, an increase over 1883—\$61,504. Within the last year 3,200 kilometers of telegraph lines were constructed. The telegraph revenue was \$288,450, but in consequence of a reduction of tariff the receipts were less than in 1883.

Immigration continues to increase, and although the ports were closed for a time during the year through fear of cholera, 81,541 immigrants arrived here and found employment. During the first of this year the number of immigrants landed was 46,415.

Under the head of public schools it is shown that the number of pupils attending national colleges is 3,700, being an increase over 1883 of 658.

The normal schools show a total of 6,379, or 958 more than in 1883. The attention of Congress is especially called to the fact that only one-fourth part of the children of an age for education actually attend school.

The President closes his message by referring to the approaching presidential contest, and says the Republic is now entering upon a period of activity in its politics in reference to the next presidential elec-

tion, that it is the most difficult moment for every government, and the touchstone for proving the solidity of its institutions; that the public Argentine mind, he believes, has made much progress in the last few years, and painful experience has taught the people that the greatest of all benefits are peace and liberty, and that while he has the profound conviction that no one will attempt to bring to the question discussed insane elements and anarchical passion, still he owes to the entire country in these solemn moments the loyal and frank promise to be, up to the last moment of his administration, faithful to the constitution, to give, in his character of first magistrate of the nation, complete liberty to all ambitions and to all parties without any exception, and without throwing into the scale in favor of any one the weight of the power which his fellow-citizens conferred on him for accomplishing the object of the Government, to preserve order, and to enforce obedience to the laws.

I have, &c.,

THOS. O. OSBORN.

No. 4.

Mr. Bayard to Mr. Osborn.

No. 227.]

DEPARTMENT OF STATE,
Washington, May 25, 1885.

SIR: I inclose a copy of the material portion of a letter from Mr. Scrymser, president of the Central and South American Telegraph Company, 37 Wall street, New York, in continuation of the subject of the proposed extension of the telegraphic lines now existing to Brazil, presented in a recent telegram to you.

Please investigate the entire matter of the scheme and report. You can properly make known to the Argentine Government the general desire in this country and the wish of the Government for full and unimpeded telegraphic communication between the United States and the Argentine Republic.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 227.]

Mr. Scrymser to Mr. Bayard.

NEW YORK, April 23, 1885.

DEAR SIR: * * * In a communication addressed to the honorable Secretary of State, Mr. Frelinghuysen, December 9, 1884, this company asked that the Department of State should instruct the United States minister at Buenos Ayres, General Thomas O. Osborn, to urge upon the Government of the Argentine Republic the granting of a concession to this company for the extension of its lines from the coast of the Argentine Republic to Brazil. Mr. Frelinghuysen informed me in a letter dated December 29, that Minister Osborn had been instructed accordingly.

I take pleasure in informing you that General Osborn cabled, April 22, as follows, in response to my inquiry asking what progress he had made in obtaining such a concession:

SCRYMSER, *New York*:

First step gained; think success certain.

OSBORN.

In this connection I deem it proper to explain that, prior to the establishment of the telegraph lines of this company, South America was only reached through the English cables via New York, London, Lisbon, thence across the South Atlantic to Brazil, and thence southward.

These English lines form a monopoly so complete that the present time, not a single message can be transmitted *from* Brazil to the United States *excepting* via Europe.

The Governments of Brazil and the Argentine Republic are very anxious to secure direct telegraphic communication with the United States independent of these European lines.

The advantage of unrestricted communication between North, Central, and South America will be of great political and commercial value to the three Americas.

Under these circumstances I trust that your Department will confirm the commendatory instructions given to Minister Osborn by your predecessor, and that Minister Osborn will be permitted to conclude the important negotiations he has undertaken.

* * * * *

I remain, &c.,

JAMES A. SCRYMSER.

No. 5.

Mr. Osborn to Mr. Bayard.

No. 459.]

LEGATION OF THE UNITED STATES,
Buenos Ayres, July 16, 1885. (Received August 24.)

SIR: A decree granting a concession to the Central and South American Telegraph Company, to establish in the waters of the Argentine Republic one or more submarine telegraph cables, to connect the coast of this republic with that of Brazil, which I had the honor to submit on behalf of the company, has been signed by the President and Minister of the Interior, of which I have already informed Mr. Scrymser, the president of the company, by telegram.

Much delay was caused by the friends of the European line and a portion of the press here.

I have submitted a project of contract to carry into effect the concession to the minister, and as soon as the chief of telegraphic lines and the attorney-general of the Government have made their reports on the same, I will have a conference with the minister, when I hope to report progress, if not a final settlement of the matter, so far as I am authorized.

I have, &c.,

THOS. O. OSBORN.

AUSTRIA-HUNGARY.

No. 6.

Mr. Francis to Mr. Frelinghuysen.

No. 53.]

LEGATION OF THE UNITED STATES,
Vienna, February 5, 1885. (Received March 3.)

SIR: I have the honor to inclose herewith copies of communications transmitted by me to the Imperial and Royal minister of foreign affairs and translations of notes from Count Szögyényi in response thereto, together with some accompanying papers, in regard to the arrest by the military authorities at Krakau of Louis Feinknopf, a citizen of the United

States, with a view of exacting from him service in the Imperial and Royal army.

The case may be stated as follows: Feinknopf, born at Krakau, Galicia, in 1860; emigrated to the United States in 1876; naturalized and declared a citizen of the United States April 3, 1882, by the United States district court for the southern district of Ohio; subsequently established residence in New York City; for first time since emigration visited his native place, Krakau, arriving there October 20, 1884; summoned by military authorities of that place to report for duty in the Imperial and Royal army October 23; claimed exemption from such service on ground of his United States citizenship, and in evidence thereof presented his certificate of naturalization; permitted to visit Vienna 26th of October to confer with United States minister, in whose hands he placed certificate of naturalization and other papers establishing facts as above stated.

In interview with Baron Pasetti, at foreign office, on the subject, October 27, I presented to him the papers bearing conclusive evidence in this case, and said that, in a matter so clear as to exemption from military conscription under the treaty of 1870 between the United States and Austria-Hungary, I hoped instructions would be promptly communicated to the proper authorities at Krakau to release Feinknopf from arrest as one owing service in the Imperial Royal army, and to erase his name from the rolls as owing such service. October 28, I addressed a note to Baron Pasetti, copy of which is herewith inclosed, carefully recapitulating the facts, and earnestly repeating this request. In an interview with him at the foreign office November 7, I called his attention to the fact that I had received no reply to my note of October 28, as above, and said that delay in this matter was embarrassing. He replied that the subject had been referred to the proper department and he would request a prompt decision thereon. Hearing nothing further on the subject, I addressed a second note to Baron Pasetti, November 21, copy of which is inclosed, pointing out that continued delay involved hardship and injustice toward a citizen of the United States who was entitled, under treaty obligations, to prompt release from the claim made upon him by the military authorities at Krakau. On the same day I had a personal interview with Count Szögyényi, first chief of section, ministry of foreign affairs, and presented to him Feinknopf's naturalization certificate and other papers. He said there had been delay in this case because of unavoidable circumstances, but it should now have prompt attention. Still the delay was prolonged, and meantime Feinknopf wrote me that he was obliged to conceal himself at Krakau to avoid being forced into the army. November 29 I received first note from foreign office on this subject, translation of which is inclosed, saying the matter had been referred to the ministry of public defense with request of urgency. December 5 I again pressed Count Szögyényi in personal interview for a decision in the case. He replied that he was doing all that was possible to hasten this result, which could not be much longer delayed. I said to him that the proofs being conclusive it would seem that the relief to which Feinknopf was entitled should at once be granted to him.

The count replied that "we at the foreign office have to work through the ministry of war, and there is the delay." I answered that I could only know the Imperial Royal Government in the premises as it was represented at the foreign office, and that I believed the war department did not make treaties. I was reassured that no effort would be spared to hasten a satisfactory conclusion of the question. But no re-

sult having yet been announced, I addressed a third note on the subject to Count Szögyényi, dated December 16, copy of which is inclosed, urging that answer be made to my request, and setting forth reasons which it seemed to me should have prevailing weight. Still no decision came, and on December 23 I again called upon Count Szögyényi, and immediately on meeting him he exclaimed: "This case of Feinknopf's has given me more trouble than any affair I have had to deal with at the foreign office." He said with emphasis that the ministry of foreign affairs agreed with me as to facts and conclusions, and that Feinknopf could not be held to serve in the Imperial Royal army, but it had been assumed elsewhere that there was not sufficient evidence to warrant his discharge. He then requested me to furnish him with Feinknopf's naturalization certificate, which had been previously examined by both Baron Pasetti and himself and returned to me, saying he feared it had been their mistake not to have taken this certificate for the information of the ministry of war in the beginning. I handed him the paper, remarking that while recognizing his excellent intentions in dealing with the subject under consideration, I must respectfully insist upon an answer to my request in behalf of Feinknopf.

His excellency declared there could not be much longer delay. December 28 I received a note from Count Szögyényi (translation of which is inclosed), stating that delay was caused by objections of the Imperial Royal commander of the respective army corps, and that Feinknopf's naturalization certificate (which had been presented by me at foreign office for information and use, if required, October 28, and on several subsequent occasions, and always returned after observation until December 23, when Count Szögyényi retained it, as mentioned above) would likely be the means of bringing the whole affair "to a speedy and favorable decision." Delay still continued, however, and on 8th January, in interview at foreign office, I again earnestly pressed Count Szögyényi for quick decision, saying that such delay seemed unjustifiable. He replied that "we at the foreign office are doing all we can to hasten the decision." Receiving intelligence from Krakau January 10, that Feinknopf had been arrested, placed in the barracks, and impressed into service as a common soldier, I addressed a note, January 10, to Count Szögyényi, copy of which is inclosed, strongly protesting in behalf of my Government against this proceeding, and requesting that Feinknopf be promptly relieved from his practical imprisonment.

January 10th I received a note from Count Szögyényi, translation of which is inclosed, announcing that the Imperial Royal military commander at Krakau had been ordered by telegraph to grant a furlough to Feinknopf, pending decision of the case. January 10th I sent a note to Count Szögyényi, copy inclosed, acknowledging above, and insisting that the discharge be unconditional. January 12th a note was addressed by me, copy inclosed, to same, with telegram from Feinknopf's mother at Krakau of same date, stating that her son had not been furloughed. January 13th I received a note from Count Szögyényi, copy inclosed, stating that he had received a communication from the Imperial Royal ministry of war to the effect that an order had been sent by telegraph to the military authorities at Krakau, 9th instant, to liberate Feinknopf on furlough immediately.

January 14th note from same was received by me (copy inclosed), stating on authority of the Imperial Royal ministry of war that Feinknopf was liberated on furlough 9th instant, "As I was convinced from the beginning," says Count Szögyényi. January 20th sent a note to the latter in reply (copy inclosed), with letter from Feinknopf, showing that

he was arrested and placed in barracks January 8th, and was held as a common soldier until January 13th, when he was released on furlough, not "immediately" on 9th, as his excellency had been erroneously informed, also repeating, with earnest urgency, my request that he be discharged unconditionally from all claim to service in the Imperial Royal army January 22nd I received a note from Count Szögyényi (translation inclosed), announcing that the Imperial Royal ministry of public defense had, on the evidence presented, ordered the discharge of Louis Feinknopf "from the military service, by virtue of articles 1 and 2 of the treaty of September 20th, 1870."

February 2nd I transmitted a note to Count Szögyényi (copy inclosed), acknowledging receipt of above, and informing his excellency that a letter received by me from Feinknopf declares that on 30th January he was informed at office of military authorities at Krakau the order for his discharge had just been received, and that five days more would elapse before the certificate could be delivered to him.

In this communication I also referred to the embarrassing delay in the decision of the case as attributable to no omission of mine in furnishing complete evidence from the beginning of Feinknopf's exemption under the treaty from military service in the Imperial Royal army, and to correct erroneous inference that might possibly be drawn from his excellency's allusion in his note of December 28th, to the naturalization certificate as having been left by me at the foreign office a few days prior to that time.

From this detailed statement and the accompanying correspondence, to which latter I invite your attention, it will be seen that for a period of nearly three months Louis Feinknopf, a citizen of the United States, owing no service to the Austro-Hungarian Government, nor accused of any crime, was subjected to annoyance and persecution, and finally to a deprivation of his personal liberty, by the military authorities at Krakau, unchecked by governmental power until the period of his release on furlough, January 13th, and his unconditional discharge as subsequently ordered, but which had not been executed up to January 30th; this, too, in violation of treaty obligations and after the facts and evidence were laid before the ministry of foreign affairs, proving that the military proceedings against him would involve a violation of the treaty of 1870, with resulting assault upon the personal liberty of a citizen of the United States. The ministry of foreign affairs never expressed any doubt as to Feinknopf's exemption from military duty here under treaty; in personal interviews the fact was conceded. The unjustifiable delay which permitted the wrong to be done, with the aggravation of forcible arrest and impressment into service while the case was pending, was no doubt owing to the obstruction of military authority. But governments make treaties and are bound in good faith to execute the solemn agreements, allowing no departments within their own organization to retard or defeat their provisions to the injury of persons or property. It has occurred to me that, referring to this case as an example, it might be expedient for the Department, in the interest of American citizenship, to remind the Government of Austria-Hungary that such delay and wrongful proceedings as have characterized this case are inadmissible and afford reasons for serious protest. Awaiting instruction on this head, if instruction is deemed advisable by the Department.

I have, &c.,

JOHN M. FRANCIS.

[Inclosure in No. 53.]

*Mr. Francis to Baron Pasetti.*LEGATION OF THE UNITED STATES,
Vienna, October 28, 1884.

YOUR EXCELLENCY: Referring to my interview with your excellency, yesterday afternoon, relative to an American citizen, one Louis Feinknopf (*Leibel* being the Hebrew rendering of the name *Louis*), who has been notified by the military authorities at Krakau to report for service in the Austrian army, I have the honor to submit the facts in the case for the consideration of your excellency.

Leibel (or Louis) Feinknopf was born at Krakau on the 2d of January, 1860. His father, Markus Feinknopf, died many years ago. His mother, a widow, still resides at the old home in Krakau. In September, 1876, being then sixteen years of age, Leibel (or Louis) Feinknopf emigrated to the United States, no one of his family accompanying him. Nearly six years thereafter—his residence being continuous in that country from the period of his arrival there—he was naturalized and declared to be a citizen of the United States, by the district court of the United States for the southern district of Ohio, on the 3d of April, 1882.

On Monday, October 20, Leibel (or Louis) Feinknopf arrived at his native place (Krakau) from America, for the purpose of visiting his mother and other relatives. On the 23d of October he was notified by the military authorities at Krakau to appear and report for service in the Austrian army. He answered the summons, protesting, however, that as an American citizen he owed no such service, and requesting that he be permitted to visit Vienna to confer with the United States minister there in a matter so vitally affecting his rights.

The permission was promptly granted, and Feinknopf reported to me at this legation, yesterday morning, October 27.

I have presented to your excellency, in brief, a statement of the facts in this case. The question now recurs, can the American citizen Feinknopf be properly held for service in the Austrian army? I think the treaty of 1870 between the United States and Austria-Hungary should settle this question. Article I, of that treaty, reads as follows:

"Citizens of the Austro-Hungarian monarchy, who have resided in the United States of America uninterruptedly at least five years, and during such residence have become naturalized citizens of the United States, *shall be held by the Government of Austria and Hungary to be American citizens, and shall be treated as such.*"

It will be conceded, I think, that Feinknopf has met all the conditions for admission to American citizenship above set forth, and must therefore be recognized as a citizen of the United States under the terms of Article I of the treaty.

But being an American citizen can he still be held for military service in his native country? In answer to this, the vital question in the case, I beg leave to call your excellency's attention to Article II of the treaty:

"In particular, a former citizen of the Austro-Hungarian monarchy, who, under the first article, is to be held as an American citizen, is liable to trial and punishment, according to the laws of Austro-Hungary, for non-fulfillment of military duty.

"(1) If he has emigrated after having been drafted at the time of conscription, and thus having become enrolled as a recruit for service in the standing army.

"(2) If he has emigrated whilst he stood in service under the flag or had a leave of absence only for a limited time.

"(3) If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out."

"On the other hand, a former citizen of the Austro-Hungarian monarchy, naturalized in the United States, who by or after his emigration has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered 1, 2, and 3, *can on his return to his original country neither be held subsequently to military duty nor remain liable to trial and punishment for the non-fulfillment of his military duty.*"

It does not appear that Leibel (or Louis) Feinknopf "has transgressed the legal provisions on military duty by any acts or omissions enumerated in the clauses numbered 1, 2, and 3; and this being conceded he cannot be held here (quoting the language of the treaty) to military service nor remain liable to trial and punishment for non-fulfillment of his military duty."

In this connection the undersigned begs leave to call your excellency's attention to a case almost exactly similar to this one, which was presented by Mr. Phelps in a note from this legation to His Excellency Count Kalnoky, F. O. No. 23, of the date of June 3, 1882, and the reply thereto by Count Szögyényi for the minister of foreign affairs,

¹⁸⁶³⁷ dated October 6, 1882, wherein it is announced that the sentence passed upon the persons named, Leeb and Jacob Mörser, American citizens, has been repealed, and that they were discharged, their case coming under the provisions of Article II of the treaty of September 20, 1870, by which they were exempted from military service in the Austrian army.

Your excellency will observe by reference to this case as above that the decision arrived at applies to the one to which I now urgently call your attention.

The undersigned claims in behalf of Leibel (or Louis) Feinknopf exemption from military service in the imperial royal army under the provisions of the treaty of September 20, 1870, and respectfully requests that instructions be communicated by the Government of his Imperial Majesty to the military authorities at Krakau to discharge the said Feinknopf from arrest and discontinue all proceeding intended to exact from him service in the Imperial Royal army.

The undersigned avails, &c.

JOHN M. FRANCIS.

[Inclosure 2 in No. 53.]

Mr. Francis to Baron Pasetti.

LEGATION OF THE UNITED STATES,

Vienna, November 21, 1884.

YOUR EXCELLENCY: Referring to my note F. O. 11, of the date of October 28, 1884, relating to the case of Louis (or Leibel) Feinknopf, an American citizen, who has been summoned by the military authorities at Krakau to report for assignment to duty in the Austrian army, I have the honor to state that so far he has received no notification assuring him exemption from his service to which he is entitled under the treaty of 1870 between the United States and Austria-Hungary, and he writes me, under date of November 19, that the summons is still held as binding upon him.

I again earnestly invoke the attention of your excellency to this subject as one that concerns the personal liberty and rights of a citizen of the United States. If the representation of this case as made by me is an accurate statement of the facts, as I think it is, Louis (or Leibel) Feinknopf is no more subject to conscription for service in the Austrian army than any native citizen of the United States would be on visiting this country, and it would seem that he should be promptly relieved from arrest and his name erased from the military roll.

I need not say, what will readily occur to your excellency, that for a period of four weeks he has been subjected to anxiety and inconvenience in consequence of the proceedings of the military authorities at Krakau against him, and very properly he asks that in his behalf there may be accorded the protection assured him as an American citizen under solemn treaty obligations.

Respectfully requesting reply to my communication of October 28 on this subject, an answer to this note as soon as may be convenient to your excellency,

I have, &c.,

JOHN M. FRANCIS.

[Inclosure 3 in No. 53.—Translation.]

Count Szögyényi to Mr. Francis.

VIENNA, November 29, 1884.

Referring to the esteemed note of the 21st instant, F. O. No. 13, I have the honor to inform the honorable John M. Francis, envoy extraordinary and minister plenipotentiary of the United States of America, that I have immediately transmitted the documents concerning the case of Louis Feinknopf to the Imperial Royal ministry of public defense with the request that, as the matter was urgent, the decision might be sent in the briefest possible time.

The undersigned embraces this occasion to renew to the honorable envoy of the United States of North America the expression of his high esteem.

For the minister of foreign affairs.

SZÖGYÉNYI.

[Inclosure 4 in No. 53.]

*Mr. Francis to Count Szögyényi.*LEGATION OF THE UNITED STATES,
Vienna, December 16, 1884.

YOUR EXCELLENCY: Referring to my notes, numbered 11 and 13, of the dates of October 28 and November 21, respectively, and the note of your excellency numbered $\frac{27180}{7}$, dated November 29, treating of the case of an American citizen, Louis (or Leibel) Feinknopf, who was summoned in October last by the military authorities at Krakau to report for duty in a regiment to which he had been assigned, I now beg leave to state that, in my notes referred to, together with memoranda on the subject handed by me to your excellency on the 28th of November, namely: (1) Certificate of the birth of the said Feinknopf; (2) notarial certificate showing the year when he emigrated to the United States, and (3) the summons served upon him by the military authorities at Krakau, the evidence is presented that under the treaty of 1870 the American citizen, Louis (or Leibel) Feinknopf, cannot be held to do military duty for Austria-Hungary, and I therefore requested that he be relieved from arrest and his name be stricken from the military roll at Krakau.

The case appeared so clear in the light of recent precedent as well as from the evidence presented, that it seemed to me a decision would be arrived at without much delay; but seven weeks have already elapsed since the matter was brought to the attention of his Imperial Royal Majesty's Government, and I am not yet advised as to its action, if action has been taken by it in the premises. I take the liberty, therefore, of again calling your excellency's attention to this matter, seeing that further delay may involve serious inconvenience, as to me it will be embarrassing.

I avail myself, &c.,

JOHN M. FRANCIS.

[Inclosure 5 in No. 53.—Translation.]

Count Szögyényi to Mr. Francis.

VIENNA, December 28, 1884.

In the matter of Leibel Feinknopf, the Imperial Royal ministry of foreign affairs respectfully begs to convey to the knowledge of the Hon. M. Francis, envoy extraordinary and minister plenipotentiary of the United States of America, that the Imperial Royal Statthalter (governor of province) at Lemberg has reported by telegraph that the Imperial Royal commander of the respective army corps has raised objections to the discharge of the above named from military service, which will cause a renewal of investigations to which is to be attributed the delay in coming to a decision of the case.

In the mean time the Imperial Royal Statthalter (governor of province) at Lemberg has been put in possession of Leibel Feinkopf's naturalization certificate, deposited here a few days ago by the honorable envoy of the United States of North America, which document is likely to be the means of bringing the whole affair to a speedy and favorable decision.

The Imperial Royal ministry of foreign affairs, not losing sight of this matter, will do everything in its power to effect an early settlement, and will immediately advise the envoy of the United States of America of such fact.

The undersigned, &c.

For the Minister of Foreign Affairs.

SZÖGYÉNYI.

[Inclosure 6 in No. 53.]

Louis Feinknopf to Mr. Francis.

KRAKAU, January 8, 1885.

SIR: I arrived here this morning and was immediately arrested by the authorities at Krakau, forcibly enlisted in the army, and now find myself in their power, without seeing my way out of it, for I am at this very moment at the soldiers' retreat and in uniform. If there is anything that can be done for me it must be done at once, for I am in great distress and I only look to you for help. The papers which you gave me were taken from me and were not respected.

I pray you to do your utmost, and go in person to the ministry of foreign affairs, show them my dispatch so that the case meets with speedy attention.

Yours, &c.,

LOUIS FEINKNOPF.

[Inclosure 7 in No. 53.]

*Mr. Francis to Count Szögyényi.*LEGATION OF THE UNITED STATES,
Vienna, January 10, 1885.

YOUR EXCELLENCY: Referring to my interview with your excellency on the 8th instant respecting the case of Louis (or Leibel) Feinknopf, an American citizen who, in disregard of treaty obligations, has been deprived of his liberty by the military authorities at Krakau, I now desire to enter a formal protest in behalf of my Government against the wrongful action of the Krakau authorities referred to. Their course seems to have been the more indefensible from the fact that many weeks prior to the action complained of the Government of his Imperial Royal Majesty had been fully informed of the *status* of Feinknopf as an American citizen clearly entitled under the treaty of 1870 to exemption from any military service to the latter power.

In view of information received by me from Krakau this morning to the effect that Feinknopf was, on the 8th instant, forcibly taken to the barracks, compelled to put on the military uniform of a soldier in the ranks, and placed under the strictest surveillance; and furthermore, that, showing to the authority which consigned him to this indignity, a certificate issued by this legation on the previous day, the 8th instant, to the effect that his naturalization certificate and other papers named had been placed in possession of the ministry of foreign affairs and were still held by said ministry, the Krakau authority referred to refused to return the said certificate to Feinknopf on his demand for the same. In view of these facts, and considering also that this citizen of the United States is still held by the military power in deprivation of his liberty, and under the most rigorous supervision as if a prisoner guilty of criminal misdoing, I must earnestly repeat my request that the said Feinknopf be promptly relieved from his practical imprisonment by the military authorities at Krakau, and that his name be stricken from the military roll as owing service in the Imperial Royal army.

Your excellency will permit me the liberty to suggest that this case seems to be one involving the invasion of personal rights, and it will no doubt occur to the mind of your excellency that some explanation of the long delay in its disposition in a form for record would be desirable in the interest of the cordial amity existing between two great and always friendly nations. At the same time I desire to thank your excellency for the earnest personal interest your excellency has from the beginning manifested in this case to secure its satisfactory adjustment.

I vail myself, &c.,

JOHN M. FRANCIS.

[Inclosure 8 in No. 53—Translation.]

Count Szögyényi to Mr. Francis.

VIENNA, January 10, 1885.

The imperial royal ministry of foreign affairs, in transmitting herewith the telegram of Leib Feinknopf, of the 8th instant, has the honor of informing Hon. John M. Francis, envoy extraordinary and minister plenipotentiary of the United States of America, that the imperial royal military commander at Krakau has been ordered by telegraph to furlough the above named, pending the decision of the case.

In view of this fact the imperial royal ministry of foreign affairs reserves to itself the privilege of making further communication to the honorable envoy of the United States as soon as the competent authorities have brought the matter to a decision, which intention had been made known also in the note of the 28th ultimo, No. 29856.

For the minister of foreign affairs.

SZÖGYÉNYI.

[Inclosure 9 in No. 53.]

*Mr. Francis to Count Szögyényi.*LEGATION OF THE UNITED STATES,
Vienna, January 10, 1885.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of the esteemed note, ¹⁵³₇, of this day's date, informing me that the military authorities at Krakau had been instructed by telegraphic order to release upon furlough Louis or Liebel Feinknopf, the

American citizen who had been consigned to the barracks at that place and put in uniform for service in the imperial royal army, as stated in my communication of this day which had been dispatched when the note of your excellency, as above, was delivered to me.

It is satisfactory to know that Feinknopf has been allowed his liberty pending the decision of his case by the imperial royal government, but it is still important that his rights under the solemn guarantees of treaty shall be promptly and fully recognized to the end that he may have the liberty of action accorded to any citizen of the United States, who, visiting this country, has violated no law of the Imperial Royal Government.

And I have to urge most earnestly that the decision which has been so long delayed, to the injury of an American citizen who has been the subject of military prosecution at Krakau, may be rendered at as early a day as possible.

I renew, &c.,

JOHN M. FRANCIS.

[Inclosure 10 in No. 53.]

Mr. Francis to Count Szögyényi.

LEGATION OF THE UNITED STATES,
Vienna, January 12, 1885.

YOUR EXCELLENCY: Referring to your excellency's note of the 10th instant, No. ¹⁵³/₇, informing me that an order had been sent by telegraph directing the military authorities at Krakau to liberate on furlough the American citizen Louis (or Leibel) Feinknopf, pending decision by the Imperial Royal Government upon his case, I now hasten to transmit to your excellency a dispatch received at this legation this evening, by which it appears that up to the time when this dispatch was written (apparently at a late hour this afternoon) Feinknopf had not been granted the furlough as above.

I need scarcely assure your excellency that this delay involves additional embarrassment. To my mind, as I think it must also appear to your excellency, the course of the military authorities at Krakau in this matter seems entirely unjustifiable.

Your excellency will oblige me by returning the inclosed dispatch as convenience may permit.

I have, &c.,

JOHN M. FRANCIS.

[Inclosure 11 in No. 53—Translation of telegram.]

Mother of Feinknopf to Mr. Francis.

KRAKAU, January 12, 1885.

Up to this hour my son has not been furloughed.

FEINKNOPF.

[Inclosure 12 in No. 53.]

Count Szögyényi to Mr. Francis, January 13, 1885.

SIR: Referring to your note of yesterday, No. F. O. 29, the inclosure of which I have the honor to return to you, I beg to inform you that, having this morning again communicated with the imperial royal ministry of war, I have received the answer that on Friday last, 9th instant, a telegraphic message has been sent to the military authorities at Krakau, ordering them to immediately liberate on furlough Ciebel Feinknopf.

I have, &c.,

SZÖGYÉNYI.

P. S.—I am just informed that the minister of war has to-day telegraphed to Krakau to inquire whether the order given on Friday has been executed. No answer has been received up to this hour. As soon as I receive the answer I shall not fail to transmit it to your excellency.

[Inclosure 13 in No. 53.]

*Count Szögyényi to Mr. Francis.*VIENNA, *January 14, 1885.*

SIR: I beg to inform you that, according to a communication I have just received from the imperial royal ministry of war, the order given on Friday last to liberate, on furlough, L. Feinknopf, has been, as I was convinced from the beginning, *immediately* executed by the military authorities at Krakau.

I have, &c.,

SZÖGYÉNYI.

[Inclosure 14 in No. 53.]

Mr. Francis to Count Szögyényi.

LEGATION OF THE UNITED STATES,
Vienna, January 20, 1885.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's replies under date of January 13 and January 14, respectively, to my note of the 12th instant (F. O. 29) in regard to the case of Louis (or Liebel) Feinknopf.

In your excellency's note of January 13 it is stated that the imperial royal ministry of war informed your excellency that "a telegraphic message had been sent to the military authority at Krakau ordering them immediately to liberate on furlough Liebel Feinknopf," and in your excellency's note of January 14 it is stated that, according to a communication your excellency had just then received from the imperial royal ministry of war, the order given on Friday, January 9, was "*immediately* executed by the military authorities at Krakau;" and your excellency remarks in this connection, "as I was convinced from the beginning."

In regard to the positive statement that Feinknopf was released on furlough Friday, January 9, which statement was undoubtedly founded upon assurance to that effect given by the proper military authority at Krakau, I desire to call the attention of your excellency to the fact that a telegraphic message from the mother of Feinknopf, dated Krakau, January 12, 4.45 p. m., which I inclosed in my note of the same date for your excellency's observation (since returned to me) declared that up to that hour her son had not been furloughed. This of itself might not be accepted as conclusive proof of the fact, as, receiving his furlough, he might have neglected to inform his mother that he had been released. But this seemed to me improbable, and I hastened to communicate with Feinknopf on the subject. I inclose herewith copy of his reply to my letter of inquiry which, it will be seen, is both categorical and specific in its statement of the dates of his arrest and committal to the barracks and his release upon the furlough granted. It would appear from this communication that, arrested on Thursday, the 8th of January, he was held and treated as a common soldier until Tuesday, January 13, a period of five days, and that the telegraphic message sent by the imperial royal ministry of war to the military authorities at Krakau, on Friday, January 9, was not "*immediately*" executed; that is to say, it was not carried into effect at that date, nor until Tuesday, January 13.

I have deemed it proper to submit this statement to your excellency in view of the unjustifiable course of the military authorities at Krakau toward a citizen of the United States, against which I made earnest protest in my note to your excellency (F. O. 26) of the date of January 10.

And furthermore, I have to repeat with earnest urgency the request that, upon the evidence which has been presented in this case establishing under the second article of the treaty of 1870 the exemption of Louis (or Liebel) Feinknopf from all liabilities to do military service in the imperial royal army, his furlough be canceled by a certificate of such exemption, and that his name be erased from the military rolls at Krakau as owing the service attempted to be exacted from him. No attempt has been made to refute this evidence; yet after the lapse of nearly three months since his arrest, during which time he has been subjected to painful apprehensions, personal inconvenience, pecuniary sacrifice, and finally to the indignity of forcible impressment into the military organization at Krakau, where he was held five days under strictest military discipline, the case is still undecided by the Imperial Royal Government; the claim to military service he does not owe is not withdrawn; his situation is simply relieved by a furlough, the latter in itself implying that the claim upon him is still maintained.

I must, therefore, while acknowledging the spirit of courtesy and justice with which in repeated interviews your excellency has discussed with me this question, our views

and conclusions apparently involving no differences of opinion, seriously reiterate the request that the rights of Louis (or Liebel) Feinknopf as a citizen of the United States, who has violated no law of the Imperial Royal Government and owes it no military service, shall be fully recognized, and that he be accorded the unconditional exemption to which he is entitled from further claim to such service. And in this connection I may say that delay of action in the case increases embarrassment, as it seriously interferes with the course of justice toward a citizen of a friendly power.

I avail myself, &c.,

JOHN M. FRANCIS.

[Inclosure 15 in No. 53.]

Louis Feinknopf to Mr. Francis.

KRAKAU, *January 15, 1885.*

SIR: Your very kind and pleasing letter of the 14th instant came duly to hand. I am at a loss how to express the thanks which I owe you. You have really done more for me than a father could do for his own child, and I can proudly say America and the Americans shall live forever. My mother did not misinform you. I was not liberated until Tuesday, January 13. On Monday evening I was yet under strong guard at the military retreat. I was arrested on Thursday, January 8, and kept till Tuesday, January 13, and was treated as a common soldier. I can vouch for the truth and prove it with the papers of my furlough, and I do sincerely hope that my liberation will soon follow, as I am very anxious to get away from this country.

With thanks and prayers for your long life, I remain, &c.,

LOUIS FEINKNOPF.

P. S.—My dear mother sends her heartfelt thanks and her best thanks and good wishes.

[Inclosure 16 in No. 53.—Translation.]

Count Szögyényi to Mr. Francis.

VIENNA, *January 22, 1885.*

In pursuance of the note of the 10th instant, No. 153, the imperial royal ministry of foreign affairs has the honor to inform the Hon. John M. Francis, envoy extraordinary and minister plenipotentiary of the United States of America, that the imperial royal ministry of public defense has decided that Louis Feinknopf, of Krakau, assigned to the thirteenth regiment of infantry, Graf. Huyn, on the 23d October, 1884, be discharged from the military service by virtue of articles 1 and 2 of the treaty of September 20, 1878, it having been authentically ascertained after steps had been taken with that end in view by the honorable North American envoy, that Feinknopf was naturalized in the United States in 1882, and is therefore, by treaty stipulation, not subject to military duty in this country.

The necessary orders for carrying out this decision have already been given to the competent authorities.

The ministry of foreign affairs does not omit at the same time to inclose herewith to the honorable the North American envoy the naturalization certificate and the notarial act concerning Feinknopf's emigration to America, mentioned in the note of December 16 last, No. 19, with the information that the other two inclosures of the above mentioned note have not yet been received from the imperial royal authorities, but that they have been asked for.

The undersigned avails himself of this occasion to renew assurance of his profound esteem.

For the minister of foreign affairs:

SZÖGYÉNYI.

[Inclosure 17 in No. 53.]

Mr. Francis to Count Szögyényi.

LEGATION OF THE UNITED STATES,

Vienna, February 2, 1885.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's esteemed note ¹⁸₇¹⁴, dated January 22, 1885, announcing that the imperial royal ministry of public defense had decided upon the evidence presented in the case of Louis

Feinknopf, a citizen of the United States, arrested at Krakau, October 23, 1884, charged with owing military service to the Imperial Royal Government, that the said Feinknopf be discharged from such service by virtue of articles 1 and 2 of the treaty of September 20, 1870. And your excellency transmits at the same time as inclosures the naturalization certificate of Louis Feinknopf, and accompanying notarial certificate in reference to his emigration to America.

In regard to the discharge of the said Feinknopf from military service as mentioned, your excellency observes that "the necessary orders for carrying out this decision have already been given to the competent authorities." For your excellency's information, I will state that on the 30th ultimo, applying at the proper office of the military authorities at Krakau for his discharge certificate, Feinknopf writes me that in answer to his request it was stated that the order for his discharge had just been received, and that five days more would elapse before the certificate would be delivered to him.

Referring to the delay in reaching a decision in this case, in your excellency's note ²⁹⁸⁵⁶₇, dated December 28, 1884, your excellency is pleased to remark as follows (after stating that objections had been raised to the discharge of Feinknopf by the imperial royal commander of the respective army corps, rendering necessary a renewal of investigations, to which was to be attributed the delay):

"In the mean time the imperial royal statthalter (governor of province) at Lemberg has been put in possession of Leibel Feinknopf's naturalization certificate, deposited here a few days ago by the honorable envoy of the United States of North America, which document is likely to be the means of bringing the whole affair to a speedy decision." (Translation.)

This averment in the absence of explanation might leave the impression that until the time mentioned, namely, a few days prior to the 28th of December, I had failed to furnish the necessary evidence—Feinknopf's naturalization certificate—required to secure his discharge from military service. But the fact is, I presented this certificate for the information of Baron Pasetti during my first interview on this subject at the foreign office, which he looked over and returned to me. In an interview with him on November 7, I again presented for his excellency's observation this certificate and other papers as establishing the facts carefully stated in my note of October 28th, which certificate was again returned to me. Again, personally delivering to his excellency Count Szögyényi my note addressed to Baron Pasetti, November 21, I offered for his (Count Szögyényi's) observation or use the papers in the case, including the naturalization certificate referred to, which latter was returned to me after a hasty glance over the paper. And, as your excellency will doubtless remember, it was not until December 23 that your excellency, again receiving the naturalization certificate at my hands, requested that it should be left with you for the purpose of facilitating an early conclusion of the whole matter.

I take the liberty of setting forth these facts, your excellency, in no reproachful sense, but to show that the embarrassing delay in the case so justly decided was through no neglect or omission on my part to supply the needed evidence for a prompt decision; and at the same time it gives me pleasure to bear evidence of the interest always expressed by your excellency to bring the matter to an early and honorable conclusion.

I embrace, &c.,

JOHN M. FRANCIS.

No. 7.

Mr. Bayard to Mr. Francis.

No. 30.]

DEPARTMENT OF STATE,
Washington, March 9, 1885.

SIR: Your No. 53, of the 5th ultimo, relative to the arrest at Krakau, on the 23d of October last, of Louis Feinknopf, an American citizen, charged with owing military service to the Austro-Hungarian Government, has been received.

The arrest took place in October last, but Mr. Feinknopf's release was not ordered prior to the latter part of January. On the 22d of

that month you were informed by a note from the foreign office that the imperial and royal ministry of defense had decided—

That Louis Feinknopf, of Krakau, assigned to the 13th Regiment of Infantry, Graf Huyn, on the 23d October, 1884, be discharged from the military service by virtue of articles 1 and 2 of the treaty of September 20, 1870, it having been authentically ascertained that Feinknopf was naturalized in the United States in 1882, and is therefore by treaty stipulation not subject to military duty in this country.

Between the date of your first representations in this case at the foreign office and the date of the order for release, there elapsed a period of some three months, during which, notwithstanding all your exertions, little was effected in the case but postponement and delay, and you observe as follows:

It has occurred to me that referring to this case, as an example, it might be expedient for the Department, in the interest of American citizenship, to remind the Government of Austria-Hungary that such delay and wrongful proceedings as have characterized this case are inadmissible and afford reasons for serious protest.

In view of your persistent presentation of the case and exhibition of the papers proving Mr. Feinknopf's United States citizenship on various occasions, the long procrastination of the authorities in the premises appears to this Department hardly consistent with the traditional amity which has existed between the two Governments.

It is thought, however, not unlikely that His Imperial and Royal Majesty's Government will be willing to acknowledge the fact of unwarranted delay, in some quarter, of the course of justice, if the occasion for such an acknowledgment should naturally arise, and evince a disposition to make some reasonable reparation for Mr. Feinknopf's benefit.

You will profit by an early appropriate occasion to verbally make known this view in the most judicious terms possible.

I am, &c.,

T. F. BAYARD.

No. 8.

Mr. Francis to Mr. Bayard.

No. 72.]

LEGATION OF THE UNITED STATES,
Vienna, April 10, 1885. (Received April 27.)

SIR: The instruction contained in your No. 30, relative to the case of Louis Feinknopf, an American citizen, who was held under arrest at Krakau for more than three months, charged with owing military service to the Government of Austria-Hungary, has received my careful attention, and I now have the honor to submit the following report:

Calling at the foreign office, March 27, I drew the attention of Count Szögyényi to this subject, remarking that what seemed to have been unwarranted delay in the decision of the case, involving great hardship to a citizen of the United States, of which he had made frequent complaints to me during the period he was held under arrest, had attracted the attention of my Government; and it was believed that should the occasion for such acknowledgment naturally arise, His Imperial and Royal Majesty's Government would be willing to acknowledge the fact of unwarranted delay, in some quarter, of the course of justice in this matter, and evince a disposition to make some reasonable reparation for Mr. Feinknopf's benefit.

Count Szögyényi listened attentively to and received most courte.

ously what was said by me. He replied that there had been annoying delay in the case, it was true, and so much was to be admitted; but he did not think that reparation could be thought of as a proposition to be entertained by his Government. He requested me to furnish him, if convenient, a brief memorandum of my remarks just made to him, as of verbal character, since he desired to confer on the subject with his chief, Count Kalnoky, the minister of foreign affairs. To this courteous request I cheerfully assented, and the following day (March 28) sent to Count Szögyényi the following memorandum:

Mr. Francis, in interview at foreign office, March 27, 1885, called attention of Count Szögyényi to case of American citizen, Louis Feinknopf, who was arrested in October last and held under arrest by military authorities at Krakau more than three months, and finally placed in barracks and there detained under strict military discipline several days. Mr. Francis remarked that in view of the long procrastination in this case, involving great inconvenience and hardship to Feinknopf, proof being presented in the beginning that the latter was not liable to military duty here, he (Mr. Francis) was instructed by his Government to intimate in this verbal way that, considering the traditional amity existing between the United States and Austria-Hungary, it indulged the expectation that the Imperial Royal Government would be willing to acknowledge the fact of unwarranted delay, in some quarter, of the course of justice in this matter, if the occasion for such acknowledgment should naturally arise, and evince a disposition to make some reasonable reparation for Mr. Feinknopf's benefit.

A series of holidays intervening, I had no opportunity to meet Count Szögyényi at the foreign office again until the 7th instant, when he replied to the above memorandum as follows:

The suggestions contained in this verbal statement have had consideration, and I will say in reply that we freely acknowledge that there was unwarranted delay in the course of justice in this matter, but, as your excellency will bear witness, not through any fault of this Department, which earnestly urged a prompt decision of the case and was exceedingly annoyed on account of the delay. So much we are willing to say, but as to the proposition of according reparation for Feinknopf's benefit, which means pecuniary compensation to him, we cannot entertain it. These men, natives of this country, return here after becoming naturalized in the United States. There has been no previous notification of such naturalization, and they know perfectly well that they are liable to be arrested as Austrian subjects owing military duty to this Government. They present their naturalization papers to the authorities after arrest; but these have to be referred to a higher authority, and considerable time will naturally elapse before investigation can take place and a decision is rendered. Inquiry, too, has to be made as to whether the person arrested, though he has become a naturalized citizen of the United States, did not owe military service to Austria-Hungary, while an Austrian subject, and before leaving his native country, and this involves delay. The arrested party, under these circumstances, cannot set up a claim for reparation because he is kept waiting under arrest. No, we cannot entertain a proposition to grant reparation in the case under consideration.

It is true that during the pending of this case, covering a period of about three months, in all my interviews with Count Szögyényi, he expressed an earnest desire to meet my views by assuring the prompt release of Feinknopf, saying on more than one occasion that the procrastination elsewhere was exceedingly annoying to the ministry of foreign affairs, and they were doing everything possible to facilitate the object I desired in the premises. The delay arose from the apparent indisposition of the military authorities to take the reasonably prompt action which, in the interest of justice, the case required. But the "unwarranted delay" occurred, a fact now frankly acknowledged. The reasons advanced by Count Szögyényi why the proposition for reparation in this case for the benefit of Feinknopf cannot be entertained by his Imperial and Royal Majesty's Government I need not here discuss, since the question can only "naturally arise" in case such claim is presented under instruction from the Department.

I have, &c.,

JOHN M. FRANCIS.

No. 9.

Mr. Francis to Mr. Bayard.

No. 78.]

LEGATION OF THE UNITED STATES,
Vienna, April 25, 1885. (Received May 11.)

SIR: On the 25th of February last I received a letter from Harry Rice, dated at Lippa, Hungary, the previous day, claiming to be an American citizen, and requesting protection from conscription in the imperial royal army.

He stated that he was arrested by the Lippa police on the 20th of February, charged with owing military service to the Government of Austria-Hungary, and that March 8 was the appointed day for his examination with a view to assigning him in the army. The police had taken possession of his naturalization certificate, and he could therefore not forward it to me. He stated that he left Hungary in 1879, when he was 16 years old, and mentioned the fact, which I distinctly remembered, that calling at this legation a few weeks previously, and showing me his naturalization certificate, I stated it should assure him protection from military conscription. And in this connection I explained to him the terms of the treaty bearing upon his case.

On the 27th of February I left a verbal memorandum of the case with Mr. Szögyényi at the foreign office, and on the 5th of March I received reply by note from Baron Pasetti, translation of which is herewith inclosed. To this I made response March 7 (copy inclosed), transmitting with my note copy of Henry Rice's naturalization certificate, which I had just received from him.

April 1 Rice wrote me that he desired to return to the United States during the month, but the bail bond he had given to the authorities remained uncanceled and his certificate of naturalization was withheld from him, and he could not leave until the matter was adjusted.

April 3 I addressed a note to Mr. Szögyényi (copy inclosed) requesting, as there seemed to be no question in this case, that prompt action might be taken by the Imperial Royal Government to relieve Rice from arrest, so as to enable him to return to the United States. To this I received reply by note from Baron Pasetti, dated April 6 (translation inclosed) stating that the imperial royal ministry of foreign affairs had recommended the royal Hungarian ministry of public defense to make speedy decision of the case.

April 8 I received from Baron Pasetti another note, and one of importance as indicating the results of the investigation in this case by the royal Hungarian ministry of public defense (copy of translation thereof inclosed) wherein it is alleged upon the testimony of his late employer at Lippa, that Harry Rice did not leave that place for the United States until 1881, and could not therefore have resided in the United States five years prior to the date of his naturalization certificate December 19, 1884, copy of which is herewith inclosed; and, moreover, that according to the official registry of his birth he was not 21 years of age at the date of said certificate. This exposition presented the matter in a new and very unfavorable light for Rice, and April 11 I addressed a note to Baron Pasetti (copy inclosed) stating that if the alleged facts are established by competent evidence, Rice's certificate of naturalization was obtained by fraudulent means and must be regarded as invalid.

I also requested authenticated copy of testimony for information of my Government. April 15 I received a note from Baron Pasetti in re-

ply (translation inclosed) with certified copy of evidence in the case (translated), including testimony as to the time Rice left Lippa, and authenticated copy of extract from Israelitic register of birth at Lippa, showing date of the birth of Rice. It will be observed that in his note as above, Baron Pasetti, in behalf of the imperial royal ministry, requests that the information which may be obtained in the United States in regard to this case, be communicated to his Government. April 18 I replied to this note (copy inclosed), promising to communicate information to the imperial royal ministry upon the subject as instruction may be given by my Government.

On receiving the notes with evidence in this case from the foreign office, I promptly informed Rice by letter of the facts, saying nothing could be done for him unless he presented proof properly authenticated that he left Lippa for the United States at a year and date that would cover a period of time admitting five years' residence therein prior to the date of his naturalization certificate, and furthermore, conclusive proof as to his age showing that he was 21 years old at the date of said certificate. I requested him also to furnish me the names of the persons who were his witnesses in the proceeding of his naturalization at Chicago. In reply, Rice states it is not true that he left Lippa in 1881; that his former chief and the servant of the synagogue had "sworn before the judge" that he emigrated from Lippa in May, 1879, but the judge declined to furnish him a certificate of this testimony, saying it must be given by another official known in Hungary as the "Vize Gespan." Rice says that with a request from me, written in German, he can obtain the evidence through the latter official. This request has been communicated to him as desired. He gives the names of his naturalization witnesses, resident in Chicago, as W. Friedmann and a Mr. Sonnenfeld, whose first name he does not remember.

I inclose herewith copy of Rice's first letter to me in answer to charges made against him. It will be seen that he admits he was not 21 years of age when he obtained his naturalization certificate, lacking, as he says, "only a few days,"—as a matter of fact nearly one month—from December 19, 1884, the date of his naturalization certificate, to January 17, 1885, his twenty-first birthday.

That he knew he was not 21 years old when he received this naturalization paper which certifies he had attained that age, he does not deny, and he must have falsely represented his age to the court that issued the certificate. And so far he has not furnished me any authenticated evidence to disprove the testimony of his late employer at Lippa, Ignaz Jellinek, that he was with him (Jellinek) as an apprentice until "the beginning of 1881." If this sworn testimony is true Rice could not have resided longer than between three and four years in the United States prior to the issue of this naturalization certificate, December 19, 1884.

The imperial royal ministry of foreign affairs has placed in my hands the original of Rice's naturalization certificate. It will be held by this legation awaiting instruction from the Department. And here I may be permitted to remark that, assuming this certificate to have been obtained by fraud and perjury, as seems quite certain, in my opinion prompt action by our Government to secure its cancellation, and, if possible, to bring to punishment the violators of law in the premises, would have a salutary effect.

It is upon the integrity of these certificates that diplomatic representatives of our Government must depend in assuring protection to persons abroad claiming to be naturalized citizens of the United States.

Instructions with reference to the courteous request of the imperial and royal ministry of foreign affairs respecting the case under consideration are respectfully requested.

I have, &c.,

JOHN M. FRANCIS.

[Inclosure 1 in No. 78.—Translation.]

M. Pasetti to Mr. Francis.

VIENNA, March 5, 1885.

In reply to the request of the Hon. John M. Francis, envoy extraordinary and minister plenipotentiary of the United States of America, the imperial royal ministry of foreign affairs has not delayed to take the necessary steps with reference to summoning Henry Rice for the discharge of military duty in Hungary.

The ministry is now in condition to inform the North American minister that on the part of the royal Hungarian ministry for national defense the commander has been telegraphed *not* to bring Harry Rice before the examining committee.

While the undersigned reserves more extended communication while awaiting further developments, he avails himself of this occasion to renew to the honorable the North American envoy the assurance of his distinguished consideration.

For the minister of foreign affairs.

M. PASETTI.

[Inclosure 2 in No. 78.]

Mr. Francis to Baron Pasetti.

LEGATION OF THE UNITED STATES,
Vienna, March 7, 1885.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of the esteemed note of your excellency ⁵³⁵⁷₇, dated 5th instant, wherein I am informed that in reference to the arrest in Lippa, Hungary, on the 20th of February last, of an American citizen, Harry Rice, charged with owing military service to the imperial royal government, the royal Hungarian ministry for national defense has telegraphed to the military authorities at Lippa instructing them not to bring the said Harry Rice before the examining commission according to the summons served upon him with a view to placing him in the Imperial Royal army.

I have to thank the ministry of foreign affairs for its prompt intervention in this case to assure for a citizen of the United States the protection to which he is entitled under the guarantees of treaty.

As stated by me in personal interview with Count Szögyényi on the 27th of February last, and repeated in my conversation with your excellency yesterday (6th instant), the original of the naturalization certificate issued to the said Harry Rice was taken from him at the time of his arrest at Lippa; but he has furnished me a copy of the same, which I inclose herewith for the information of the ministry of foreign affairs.

From this certificate it will be seen that Harry Rice, a citizen of the United States, is clearly entitled to exemption under the treaty of 1820 from service in the imperial royal army, and I respectfully request that the bail-bond that has been required of him to appear for such service be canceled, and that his name be stricken from the military rolls as owing the service named.

I have, &c.,

JOHN M. FRANCIS.

[Inclosure 3 in No. 78.]

Mr. Francis to Count Szögyényi.

LEGATION OF THE UNITED STATES,
Vienna, April 3, 1885.

YOUR EXCELLENCY: Referring to my note F. O. 39, dated March 7, in reference to the arrest at Lippa, Hungary, of Harry Rice, a citizen of the United States, charged with owing military service to the imperial royal government, I have this day received

from him a letter dated April 1, saying that he applied that day to the ' Solga Bird ' for his naturalization certificate that had been taken from him at the time of his arrest, and was informed that the paper had been sent to the mayor of Temesvar, and he could not do anything in the case until he gets answer from there.

Mr. Rice desires to leave Lippa for the United States during the present month. He cannot do so until the naturalization certificate is restored to him and he is relieved from the bail bond exacted in this case at the time of his arrest.

A citizen of the United States and owing no military service to the imperial royal government, I respectfully repeat the request that he may be promptly relieved from arrest, the bail bond given by him canceled, and his naturalization certificate returned to him. I make the request with urgency in order that he may not be put to the inconvenience of delay in returning to his adopted country and the personal sacrifice which postponement may involve.

I inclose herewith a memorandum in the Hungarian language, referring I think to the naturalization certificate, which, after observation by your excellency, I would be glad to have returned to me.

Trusting this case, about which I believe there is no question, may have a speedy decision, I embrace the occasion to renew to your excellency assurances, &c.

JOHN M. FRANCIS.

[Inclosure 4 in No. 78 —Translation.]

Baron Pasetti to Mr. Francis.

VIENNA, April 6, 1885.

The imperial royal ministry of foreign affairs had the honor to receive the esteemed note of April 3d, numbered F. O. 46, the inclosure of which is herewith returned. It has not failed to comply with the wish expressed by the honorable North American envoy, to recommend to the royal Hungarian ministry of public defense a speedy decision of Harry Rice's case, informing the ministry at the same time of his intention to return to the United States in the course of this month.

The undersigned avails, &c.,

For the minister of foreign affairs:

M. PASETTI.

[Inclosure 5 in No. 78.—Translation.]

Baron Pasetti to Mr. Francis.

VIENNA, April 8, 1885.

The imperial royal ministry of foreign affairs begs to inform John M. Francis, envoy extraordinary and minister plenipotentiary of the United States of America, that a communication has been received from the royal Hungarian ministry of public defense giving the result of investigations made in the case of Harry Rice.

Harry Rice, alias Henry Reisz, was born, as is shown by authenticated copies of the "register of births of the Jewish congregation at Lippa," on the 17th of January, 1864, at the town of Lippa where his parents are residing. The records also show that on March 6th, last, Ignaz Jellinek, a merchant doing business at Lippa, made affidavit that Henry Reisz was apprenticed to him in 1878 to serve for three years; and at the beginning of 1881, about three weeks before the termination of his apprenticeship as stipulated, he left and went to America.

Nothing appears on the records of the competent authorities to show that an emigration passport or a consent for emigration had been given him.

When he had reached the age that rendered him liable to military duty and he failed to report, his name was inscribed on the rolls as absent without leave, and on his appearance at Lippa, in February last, he was arrested in order to be made to fill his military obligations.

Henry Rice thereupon deposited a document with the community at Lippa, showing that "after five years' residence within the limits of the United States and after reaching his twenty-first year of age" he received on December 19, 1884, from the court of Cook County, Illinois, the citizenship of the United States.

In view of this and of the reclamation made by the honorable the American envoy, the question must be decided whether Henry Reisz, according to the treaty of September 20, 1870, between the United States and Austria-Hungary, is to be considered and treated as a United States citizen, and whether he has violated the law by evading military duty.

Article I of the above-mentioned treaty provides that subjects of Austria-Hungary who have lived uninterruptedly for five years in the United States and who have acquired citizenship there shall be regarded by the Government of Austria-Hungary as American citizens and be treated as such; and the last clause of Article II provides that if such persons are not guilty of any of the misdemeanors enumerated under 1, 2, and 3 of said article, on their return to their native country they shall not be held to military duty nor be punished for non-fulfillment of the same.

In view of this, the provisions of Article I of the treaty of September 20, 1870, do not apply to Henry Rice, for the affidavit of the merchant Ignaz Jellinek, at Lippa, shows that Reisz was in his service until the beginning of 1881, and he could therefore not have reached America sooner than in the course of 1881, in direct contradiction with the contents of the naturalization paper of December 19, 1884, which certifies to a five years' residence in America, which, if true, would have necessitated Reis's arrival in America in 1880.

As there can be no doubt of the correct proceeding of the United States authorities, the conclusion remains that Henry Reis has acquired United States citizenship by false representations or testimonials in an unlawful manner. This conclusion is additionally strengthened by the fact that in the naturalization papers of December 19, 1884, it is stated that Reis had reached the twenty-first year of age, while an authenticated copy of register of birth shows that he was born January 17, 1864, and that he was consequently not twenty-one years old on the 19th of December, 1884.

In order that the provisions of the treaty of September 20, 1870, be applied to the case of Henry Reis, it appears under these circumstances absolutely necessary to ascertain by what means Reis obtained the naturalization papers, which show a five years' residence, and whether this was done in a lawful manner or not.

To this end the imperial royal ministry of foreign affairs begs to solicit the kind assistance of the honorable the American envoy, and asks to be favored with a reply upon this point. The royal Hungarian ministry of public defense, in order to bring light into this matter, has ordered an investigation to be made as to the time when Rice left his home, and whether he has not interrupted his sojourn in America before the lapse of five years.

The ministry of foreign affairs will not omit to inform the honorable American envoy of the result of these investigations. Until clearness, however, has been established the royal Hungarian ministry of public defense is not in a position to erase the name of Henry Reis from the military rolls, but it has stopped further proceedings against him pending these investigations.

The ministry of foreign affairs finally complies with the wish expressed verbally by the American envoy that the naturalization certificate of Henry Rice, deposited with the community at Lippa, and of which copy has been taken, be returned.

The undersigned avail, &c.

For the ministry of foreign affairs:

M. PASETTI.

[Inclosure 6 in No. 78.]

Final certificate of naturalization—minor.

UNITED STATES OF AMERICA,

State of Illinois, County of Cook, ss:

Be it remembered that on this 19th day of December, in the year of our Lord one thousand eight hundred and eighty-four, in the circuit court of Cook County, in the State of Illinois (the same being a court of record, having a clerk and seal), and of the December term thereof, for the year aforesaid, Harry Rice, an alien, came into court and applied to be admitted as a naturalized citizen of the United States; and it having appeared to the satisfaction of the court that the said applicant arrived in the United States a minor under the age of eighteen years, and that he has resided within the limits and under the jurisdiction of the United States for and during the full term of five years last past, and one year and upwards immediately preceding the date hereof in the State of Illinois, and that during said term of five years he has sustained a good moral character, and appeared to be attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well-being, and happiness of the same; and that he has arrived at the age of twenty-one years, according to the several provisions of the acts of Congress heretofore passed on that subject; and he having now here in open court taken and subscribed the oath required by those laws, to support the Constitution of the United States, and to renounce and abjure all allegiance and fidelity to every foreign

prince, potentate, state, or sovereignty whatever, and more particularly all allegiance which he may in any wise owe to the Emperor of Austria, of whom he was heretofore a subject.

It was therefore ordered and adjudged by the court that the said Harry Rice be, and he was thereby, admitted to all and singular the rights, privileges, and immunities of a naturalized citizen of the United States, and that it be certified to him accordingly, which is done by these presents.

Witness, Henry Best, clerk of said circuit court of Cook County, this 19th day of December, A. D. 1884.

[Seal of circuit court Cook County, Illinois.]

HENRY BEST,
Clerk.

Mr. Francis to Baron Pasetti.

[Inclosure 7 in No. 78.]

LEGATION OF THE UNITED STATES,
Vienna, April 11, 1885.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note numbered ⁸³⁵⁷₇, dated April 8, 1885, relative to the case of Harry Rice, who was arrested at Lippa, Hungary, in February last, charged with owing military service to the Austro-Hungarian Government.

Rice had previously shown to me his certificate of naturalization, duly authenticated, by which it appeared that he was naturalized and declared to be a citizen of the United States by the circuit court of Cook County, Illinois, at Chicago, 19 December, 1884. Assuming this certificate as evidence of such citizenship, in notes addressed by me to Baron Pasetti, dated March 7, 1885, No. F. O. 39, and to Count Szögyényi, dated April 3, 1885, No. F. O. 46, respectively. I requested that proceedings against the said Rice as above be discontinued, and that his name be erased from the rolls as owing military service to the Imperial Royal Government.

It now appears from the statement of this case as presented in your excellency's note, assuming that the evidence is accurate upon which the statement is based, that Rice having resided at Lippa until the beginning of 1881, when he left that place for the United States, he could not have maintained an uninterrupted residence in the latter for five years up to the date of his naturalization, December 19, 1884, as required under the naturalization laws of the United States, and specifically mentioned in the treaty of 1870 as a condition of acquired citizenship thereof by an alien; and furthermore, that the birth registry showing he was born January 17, 1864, he had not arrived at the age of twenty-one years at the date of his naturalization certificate as that certificate declares. If these facts are established by competent evidence, the conclusion is inevitable that Rice's certificate of naturalization was obtained by fraudulent means and must be regarded as invalid.

In conformity with the request of your excellency, I shall hasten to communicate with my Government on this subject with a view of ascertaining the facts in the case, for if illegal methods have been employed to secure the naturalization certificate, the Government of the United States will not hesitate to reprobate the wrong and use every practicable means to bring to justice the violators of the law.

I will thank the ministry of foreign affairs for an authenticated copy of testimony, or substance of testimony, that has been or may be taken in this case, to the end that I may forward such evidence to my Government for its information.

I avail, &c.,

JOHN M. FRANCIS.

[Inclosure 8 in No. 78.—Translation.]

M. Pasetti to Mr. Francis.

VIENNA, April 15, 1885.

In conformity with the wish expressed in the esteemed note of the 11th instant, F. O. 51, the imperial royal ministry of foreign affairs has the honor to place at the disposal of the Hon. John M. Francis, envoy extraordinary and minister plenipotentiary of the United States of America, the following documents concerning the case of Harry Rice:

First. An authenticated copy of a protocol which was taken by several residents of Lippa concerning the question at what time Rice left his home.

Second. An authenticated German translation of this protocol.

Third. An authenticated copy of an extract from the Israelitic register of births at Lippa.

The imperial royal minister of foreign affairs requests most respectfully to be informed in return of the result of the events which have transpired in the United States regarding this affair.

The undersigned avails himself, &c.

For the minister of foreign affairs:

M. PASETTI.

[Inclosure 9 in No. 78.—Translation.]

Protocol taken at Lippa the 6th of March, 1885, before the judge of the Lippa district.

There were present the undersigned.

Respecting the military obligations of Harry Rice, born in Lippa, the following are the proceedings of the examination called out in connection with his place of residence:

The Israelitic instructor of religion and recorder, JAMES LICHTER:

Q. Do you know Harry Rice?—A. Yes; I know him.

Q. In what year was he born?—A. In the year 1864, as may be seen from the extracts of the records presented by me at the military examinations last year.

Q. Where is the permanent place of residence of the parents and family of Harry Rice?—A. At Lippa.

Q. Do you know whether Harry Rice had left the community of Lippa, where he and his family belong, permanently; and whether he emigrated from Austria-Hungary and became an American citizen?—A. I know that he emigrated; but that he became a United States citizen I only know from hearsay.

Q. Have you any knowledge of the fact, or did Harry Rice report to you as the recorder, his departure; do you, therefore, know that he had left Lippa?—A. He did give no notice, but simply took leave of me; the exact time I don't remember.

JAMES LICHTER.

IGNAZ LANGLEBEN, a resident of Lippa, and servant at the Israelitic congregation:

Q. Do you know Harry Rice?—A. Yes.

Q. Have you information when Harry Rice left Lippa for America?—A. It is about the fifth year, and may coincide with the time of arrival of the new choir-leader, for I do not remember that he was in the synagogue under the new choir-leader. Then I suddenly heard that he had gone to America. Being old, and not having a good memory, I don't recollect the year or the month in which the new choir-leader came to Lippa. Harry Rice was in the synagogue after his return.

IGNAZ LANGLEBEN.

IGNAZ JELLINEK, resident and tradesman of Lippa, communicates the following in this case:

In the period while I was in business Harry Rice was with me for three years as an apprentice. He came to me in 1878 and his contract expired in 1881. Toward the close of the third year, namely, in the beginning of 1881, he requested me to dismiss him before the time, as he designed to go to America, and so I dismissed him then, at the beginning of 1881, about three weeks before the expiration of his term. At his departure I remember to have given him a testimonial.

IGNAZ JELLINEK.

The protocol is closed and undersigned.

Date as above.

KABDEBO,
Judge.

For the correctness of the translation:

J. MARSCHALKÁS,
Sworn court interpreter for the Hungarian language.

[Inclosure 10 in No. 78.—Translation.]

Extract from the register of births.

No.	Name of the child.	Date and year of birth.	Sex.		Names of parents.	
					Father.	Mother.
2	Hinrich Reisz.....	Jan. 17, 1864.....	Male...	Legitimate.....	Maritz Reisz..	Salé Kohn.
Residence of parents.	Name of midwife.	Day and year of circumcision.	Name of the circumciser.	Witness.		
Lippa	Helen Verle.....	Jan. 24, 1864.....	Ignaz Blatuer...	Wilhelm Winternitz.		

LEOPOLD ARNSTEIN,
Presiding Officer.
 JACOB LICHTER,
Recording Clerk.

LIPPA, *October 1, 1883.*
 [L. S.]

For the correctness of the copy vouches the imperial royal ministry of foreign affairs.
 GENTANOUSKÉ,
Assistant Director.

VIENNA, *April 16, 1885.*
 [OFFICIAL SEAL.]

[Inclosure 11 in No. 28.]

Mr. Francis to Baron Pasetti.

LEGATION OF THE UNITED STATES,
Vienna, April 18, 1885.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note, No. 9005-7, of the date of April 15, 1885, together with an inclosure embracing evidence relative to the case of Harry Rice, arrested at Lippa, in Hungary, in February last, charged with owing military service to the Imperial Royal Government.

In response to the request contained in the note of your excellency I shall, upon receipt of information from my Government, hasten to communicate to the imperial royal ministry "the results of the events" regarding this affair as instruction may be given me thereon.

I avail, &c.,

JOHN M. FRANCIS.

[Inclosure 12 in No. 78.]

Mr. Rice to Mr. Francis.

LIPPA, *April 13, 1885.*

SIR: Your letter of the 11th instant I have received. In reply I have to say that the information you received that I left Lippa in the year 1881 is not true, and I can prove it to you.

The second information, stating that I was born on the 17th January, 1864, is true, and I will inform you how I received my citizen paper.

It was before the election of Grover Cleveland when I went to the Democratic headquarters, and told them I want to leave the United States for a visit to Europe. I am in this country five years, but I am not quite twenty-one years of age.

The clerk who was there that time went to some gentleman there and came back and gave me a card, stating that I should go to the judge, when I would receive my papers. But then I considered and did not go there; for the first thing I did not want to vote false, and, second, I was a Republican.

On the 15th of December I received a letter, when I had to go Europe, and on the 19th I received my (naturalization) paper. Then again something happened, and I could not leave on that day, so I left two weeks later; it was in January.

This is the whole fact, which I notify you now. The whole difference between my twenty-first birthday is only a few days, which may be in the law a good deal.

I will go to the gentleman I was employed last, and will ask him to give me a statement when I left Lippa.

This is all I can notify you, and all I know. If you, dear sir, can help me out of this case, I would be greatly obliged to you, as I lose lots if I cannot go back any more.

Hoping you will pardon the mistake I made and not withdraw your help,

I remain, &c.,

HARRY RICE.

No. 10.

Mr. Bayard to Mr. Francis.

No. 37.]

DEPARTMENT OF STATE,
Washington, April 28, 1885.

SIR: I have to acknowledge the receipt of your No. 72, of the 10th instant, in the case of Louis Feinknopf, the American citizen who was held under arrest at Krakau for over three months, charged with owing military service to the Government of Austria-Hungary. You appear to have presented the suggestions of Instruction No. 30, of March 9 last, very discreetly, at the foreign office. The result is that His Imperial and Royal Majesty's Government has expressed an acknowledgment of the unwarranted delay of the course of justice in the matter, and at the same time an unwillingness to entertain any proposition or take any action in the direction of affording reparation to M. Feinknopf in the premises.

You will not press the matter, but it would be well to list all such cases for future reference.

I am, &c.,

T. F. BAYARD.

No. 11.

Mr. Bayard to Mr. Francis.

No. 42.]

DEPARTMENT OF STATE,
Washington, May 20, 1885.

SIR: I have received your No. 78, of the 25th ultimo, touching the case of Harry Rice, arrested at Lippa, in Hungary, as owing military service to the Imperial and Royal Government.

Mr. Rice appealed to you, claiming to be a naturalized American citizen.

The papers have been carefully examined by the law officer of the Department, and the conclusion in the case is that the naturalization of Rice was, on his own showing, obtained on such material fraudulent allegations as to preclude him from taking advantage of it on an appeal to this Department. You will inform him, therefore, that under the circumstances of his case this Government cannot respond favorably to the appeal.

I am, &c.,

T. F. BAYARD.

No. 12.

Mr. Bayard to Mr. Keiley (through United States minister to France).

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 27, 1885.

Mr. McLane is directed to communicate to Mr. Keiley that two days after the latter had sailed for his post the Austrian minister in Washington had asked that the new minister's departure be delayed until the Austrian Government had announced its acceptance of the appointment. It was stated that Mr. Keiley's position at Vienna would be difficult, if not impossible, in consequence of the fact that his wife was a Jewess. Mr. Bayard had replied to the minister that Mr. Keiley had already sailed, and that the United States could not constitutionally admit, consider, or discuss any supposed disqualification of its officers based on religion. It was also denied that the consent of a foreign country was a condition precedent to appointment. The Austrian minister communicated Mr. Bayard's note to his Government, and nothing further had been heard from him. It was not understood that the Austrian Government distinctly refused to receive Mr. Keiley for the reasons stated, but it holds out the threat of social ostracism, which would make the position of the minister painful and perhaps untenable. Full correspondence is forwarded by the mail of this date, and it is preferred that Mr. Keiley should see it before going to Vienna.

No. 13.

Mr. Francis to Mr. Bayard.

[Extract.]

LEGATION OF THE UNITED STATES,
Vienna, June 17, 1885.

MY DEAR MR. SECRETARY: Calling at the foreign office yesterday, it was intimated to me by Mr. Szögyényi, chief of section, minister of foreign affairs, that serious objections had been made by the Austrian Government to Mr. Keiley, which would render his recognition here as my successor extremely inconvenient. He said a friendly Government, a near neighbor, had objected to him as the United States representative at its court, and its views had found earnest expression here since the President had named him as United States minister to Austria-Hungary. The alleged fact that his wife was a Jewess did not influence the judgment of His Majesty's Government in the premises, for Austria is tolerant and liberal in respect of religious matters; but it cannot prescribe society usage, which might be unpleasant in that regard.

I said in response to these observations that I deeply regretted the existence of this feeling entertained on this subject, but of course it could not be expected that I would enter into discussion concerning it.

* * *

I am, &c.,

JOHN M. FRANCIS.

No. 14.

*Mr. Francis to Mr. Bayard.*LEGATION OF THE UNITED STATES,
Vienna, June 24, 1885.

MY DEAR MR. SECRETARY: Referring to my letter to you of the date of June 17, I beg leave to submit the following:

Calling at the foreign office yesterday afternoon, mainly with the view of ascertaining whether the Emperor was likely to remain at the capital during the season longer than the present month, my object being to learn the fact with reference to an audience of His Majesty in behalf of my successor and myself at a convenient period, Count Kalnoky, minister of foreign affairs, at once commenced conversation respecting the appointment of Mr. Keiley to represent our Government near this court. He related that a confidential telegram was sent by him to Baron Schaeffer to indicate in a friendly way to you that His Majesty's Government preferred that some other selection should be made as my successor for this post; that you replied to this intimation by setting forth an argument upon the question, dwelling especially upon the marital relationship of Mr. Keiley, which had been incidentally referred to by him (Count Kalnoky) not as a Government, but as a social element in the case which this Government could not control. He said he had declined to enter into a discussion of the case, because it was deemed sufficient in a diplomatic sense—and was altogether consistent with the most friendly relations—for a Government to intimate its objections to a minister sent to it, or proposed to be sent to it, by another Government; and such objections were usually regarded, and were not made the basis of diplomatic discussion. Italy had just objected to Mr. Keiley, and in consequence he resigned his office as minister to that court. He was, however, immediately appointed to Austria. This Government objected as soon as it heard of his appointment here, but Baron Schaeffer was told it was too late—Mr. Keiley was already on his way to Vienna. It would seem, said Count Kalnoky, that objections in such a case could not properly be overruled because of a hasty departure on the part of the appointed minister. The objections still exist, the same as if he had not left the country before it was possible for us to present them to Mr. Bayard. He said that they were not founded, so far as this Government was concerned, upon the fact that Mrs. Keiley had been a Jewess. That fact, however, with marriage under civil law alone, would inevitably involve social exclusion. But the main reason for objections on the part of this Government is not only the action of Italy in the premises, but the public utterances of Mr. Keiley, which were of a character not agreeable to it. His position here would not be comfortable. We have sustained, he said, most kindly relations with your country. We sincerely wish to maintain those relations. We should not fail to recognize objections by your Government, and give them effect without entering into discussion on the subject before the world, against any minister we might propose to send to the United States. We would say the Government of the United States is a judge of this matter for itself; it is not for us to make up that judgment. And now we only ask in the interest of a common amity that this diplomatic rule shall be extended to us in the case under consideration. We do not want Mr. Keiley, and ought we not to be judges for ourselves? As to our liberality and good feeling towards diplomatic representatives from the United States to this country, you, Mr

Minister, and your predecessors can testify. We are not intolerant; we mean to be just. We have our opinions and objections, and we think that, in a proper way, we may be allowed to give them expression and effect.

I said to Count Kalnoky that while I could not discuss this question with him at all, since it was receiving the personal attention of Mr. Bayard, I must be permitted to express my deep regret that such feeling existed. I was here awaiting the arrival of my successor, and hoped an amicable arrangement of the matter would soon ensue. I inquired as to audience of His Majesty in behalf of my successor and myself after his arrival in Vienna, which might not be much longer delayed. Count Kalnoky replied that the Emperor was to leave for Ischl within a day or two, and would hold no more formal or diplomatic assemblies until September.

This, then, is the situation. I have carefully and accurately reported it. I have only to add that a sense of duty impels me to call your attention again to my confidential communication of the 17th instant, and especially to the three last paragraphs of that letter.

I have, &c.,

JOHN M. FRANCIS.

No. 15.

Mr. Francis to Mr. Bayard.

No. 106.]

LEGATION OF THE UNITED STATES,
Vienna, June 30, 1885. (Received July 18.)

SIR : The objections of the Imperial Royal Government to the recognition of Mr. Keiley as United States minister to Austria-Hungary have recently had expression with something of sensational vehemence in nearly all the Vienna newspapers. The leading daily journal of this capital, the New Free Press, discusses the matter at considerable length, and as its comments reflect the tone of the Vienna press generally on the subject, I transmit a slip of the article cut from its issue of June 27, and inclose translation of the same.

It will be seen that the main reason set forth against the acceptance of Mr. Keiley by the Imperial Royal Government is the alleged fact of objection to him by Italy, when he was recently appointed United States minister to that court, the character of the objection being specially dwelt upon as keenly affecting the susceptibilities of King Humbert.

The New Free Press article states, in terms less guarded, however, as respects carefulness of speech, substantially the utterances of Count Kalnoky made to me on the 23d of June, and I presume there can be no doubt that the almost simultaneous expression of the Vienna press on the subject had its inspiration largely at the foreign office.

Yours, &c.,

JOHN M. FRANCIS.

[Inclosure in No. 106.—Translation.]

From the Vienna New Free Press, Saturday, June 27, 1885.

The most amicable relations exist between Austria-Hungary and the United States of America, and great effort has always been made in Vienna and in Washington to foster them. The greater must be, therefore, the surprise that Mr. Keiley, the newly-

appointed envoy of the Union, who is already on his way to his new post of duty, is not accepted by Austria-Hungary. The facts in the case, however, are such that no fears need be entertained that this refusal of Mr. Keiley will disturb the good feeling between Austria-Hungary and the United States. Mr. Keiley once made a most violent speech at a Catholic meeting at Richmond, Va., denouncing King Victor Emmanuel, and calling the liberator of Italy and the creator of its unity the most insulting names. When Mr. Keiley was appointed minister to Italy the Quirinal, pointing to his hostile remarks on Victor Emmanuel, refused to receive him. Mr. Keiley was then appointed minister to Austria, probably without knowledge on the part of the President that his candidate had, by his speech, rendered it impossible for him to be employed in a diplomatic mission to any European state. Mr. Keiley has not been viewed as a proper representative at Vienna, firstly, because due respect for the Italian court demands that a man should be refused who had sullied the memory of the father of the reigning king of Italy; and, secondly, because Mr. Keiley's behavior gives rise to suspicion that he is not a proper person to render good service in the maintenance of friendly relations between Austria-Hungary and the United States.

All this would not have occurred if in the diplomatic intercourse of the United States with European Governments the same rule was applied as with the latter among themselves, whereby the court to which a minister is to be sent is first asked whether the appointee is agreeable. But the Union, on account of the delay to which the correspondence is subject, has not considered it practicable to adopt this custom, and has not even adopted it to-day, when the cable, whose absence made the reason plausible in former times, has removed this objection. Thus it happened that Mr. Keiley could be appointed, and steps for redress were possible only after the appointment had been made. These steps were taken, the Austrian Government through the envoy at Vienna, Hon. John M. Francis, and the Vienna court through the envoy at Washington, confidentially informing the United States Government that Mr. Keiley could not be accepted as diplomatic representative of the North American Union, since he had so gravely offended the Italian dynasty, and had been refused by the court of Rome.

Irrespective of all personal considerations, the affair has political significance of high interest respecting our relations toward Italy. The ground alleged for the refusal to receive Mr. Keiley is the consideration due to Italy. Although various symptoms during the past few years gave rise to the thought that the relations between Vienna and Rome were slightly disturbed, an assumption made plausible by the fact that the visit of King Humbert to Vienna had not been returned by the Emperor Francis Joseph, and that the foreign policy of Mr. Mancini pointed to an estrangement with Germany and Austria-Hungary, the refusal to receive Mr. Keiley contradicts all this in a manner whose clearness leaves nothing to be desired. Not only is a proof of friendship given to the Italian Government by refusing the lawyer from Virginia to exercise the functions of envoy at Vienna, but it is also an act of personal and delicate courtesy which the Emperor Francis Joseph renders to King Humbert, who must necessarily be indignant that the memory of his father had been sullied most grossly by Mr. Keiley; and it cannot escape the King's notice that the non-approval is due to a regard for these feelings. Although assurances have occasionally been received from Rome that the tie which binds Italy to the alliance with Germany and Austria-Hungary is as firm as ever, yet the approaches made towards England, the taking of Gladstone's part in the Egyptian question, and the East African expedition, seem to confirm the opinion of those who look upon these manifestations of the foreign policy of Italy as signs of an approaching rupture with Germany and Austria-Hungary for the sake of an English alliance. The episode with Mr. Keiley shows that at Vienna no opportunity is allowed to pass without indicating to Italy every possible regard, and public opinion of Italy cannot remain blind to this fact. That the memory of Victor Emmanuel, the liberator of Italy, should be honored outside of Italy must be gratefully felt by her, and King Humbert cannot fail to be touched to see that the Vienna court is reluctant to allow unfavorable criticism of his father by those who are appointed to represent foreign states here. There would have been no occasion at Vienna to commence such a delicate diplomatic discussion with the friendly North American Union, if the fact had been apparent that Italy was indifferent as to being on good terms with Austria-Hungary, or if there had been an intention to treat these relations more coolly. This Keiley case is a barometer which shows that the desire and inclination exist between Vienna and Rome to leave nothing undone to strengthen the friendship between the two courts.

On reflection the Cabinet at Washington will find that the reasons which actuated the Austro-Hungarian Government to refuse Mr. Keiley are such as to forbid any other course. The conviction that Austria-Hungary has the sincere desire of remaining on the most friendly terms with the great transatlantic Republic need not be reiterated at the White House; the amicable relations between the two countries are traditional. A personal matter will scarcely change them, the more so as in the present instance no ill-will towards the United States Government and its interests has

dictated the course adopted by the Vienna cabinet. The diplomatic custom at Washington caused the episode of publicity which would otherwise have been avoided. To remove it from discussion as soon as possible will surely be the mutual aim of Washington and Vienna. Mr. Keiley, who has to bear the consequences of his thoughtless manifestation, will find in the great western Republic another sphere for his talents if it chooses to profit by them. But to the Vienna cabinet it will not deny the freedom to accept those foreign representatives only who have not prejudiced their capability to foster with care and tact the amicable relations between Austria-Hungary and the United States. The good terms we sustain with the Union will not suffer by preserving at the same time our friendship with Italy.

No. 16.

Mr. Bayard to Mr. Francis.

[Extract.]

DEPARTMENT OF STATE,
Washington, July 1, 1885.

SIR: I received yesterday your personal letter of the 17th ultimo. As the matter of Mr. Keiley's recognition, to which it partly relates, has been the occasion of prolonged correspondence here with the Austro-Hungarian minister, I treat the two opening paragraphs of your letter as officially on file, and give it answer in this form for your guidance in dealing with the subject with the representatives of the Austro-Hungarian Government.

The action of that Government in respect of the estimable gentleman appointed to be your successor has been marked by unusual features, some of them of an unpleasing character.

Early in March last Mr. Keiley had been nominated by the President and confirmed by the Senate as minister to Italy; and some weeks thereafter expressions of objection by the Italian Government were conveyed to me by Baron Fava, its minister to the United States. The objection alleged was based upon a speech made by Mr. Keiley in 1871 on the occasion of a public meeting held at Richmond, Va., to give expression to the sentiments of certain Roman Catholic citizens of that place in relation to the then pending conflict between Victor Emmanuel and the Vatican. Because of those utterances the present Italian Government discovered and averred that Mr. Keiley was to them *persona non grata*.

Upon learning their objection Mr. Keiley returned his commission to the President, who forthwith appointed him to the mission to Austria-Hungary.

Mr. Keiley had then already made all his preparations to go to Rome, and his family and personal effects were in New York ready for embarkation, so that he left at once for his new post at Vienna.

The correspondence, of which I now send you copies,* will place you in possession of the case up to the present time, as it appears on the files of this Department and is known to me. You will observe the situation relatively occupied by the Government of Austria-Hungary and that of the United States.

Count Kalnoky commented in his first communication upon the failure of this Government to obtain in advance the *agrément* of Austria-Hungary to Mr. Keiley's nomination. That aspect of the matter is fully

* For inclosures see document numbers 29, 30, 31, 34, and 36.

answered by my note to Baron von Schaeffer of May 20. No such rule has ever obtained in a single instance in the history of this Department.

The only objection stated by Count Kalnoky is the marriage of Mr. Keiley to a Jewess, which may or may not be true. To this an answer was promptly given, and by that answer this administration stands, and so, I trust and believe, will the people of the United States. It seems to me quite impossible that Count Kalnoky could have understood the utter inability of this Government to entertain such a ground of objection in the face of the express prohibition of religious tests by our fundamental law, nor how offensive to American minds is the impeachment of the husband on the ground of the wife's supposed disability for her religious creed.

While I cannot, under the distinct inhibition of the Constitution, apply or take official cognizance of any religious tests in Mr. Keiley's case to prove or disprove the allegations made, I may observe that voluntary statements to me by those well qualified to judge are to the effect that Mrs. Keiley, although of Hebrew ancestry, has never herself professed the Jewish faith, and that the marriage had the sanction of the highest ecclesiastical Roman Catholic authorities in the United States, many of whom, moreover, joined most warmly in commending Mr. Keiley's appointment. I merely mention this, for it may turn out that the Austro-Hungarian Government is in serious error in accepting and acting upon unproven and perhaps false premise.

In his very brief answer to my notes, under date of June 11, Baron von Schaeffer reports Count Kalnoky as declining to discuss the two points mentioned; from which I infer he does not propose to take issue with the positions assumed thereon by this Government in its correspondence. But, in the same note, you will observe that Count Kalnoky's objections to the appointment are reported to "remain in full force," and those objections, as has been shown, rested in great part on the assumed religious faith of the appointed envoy's wife. But Count Kalnoky also leaves the question of Mr. Keiley's ultimate reception in doubt, by requesting that Mr. Keiley "may not arrive in Vienna just now." I have asked, as you will have observed, in my last note to Baron von Schaeffer, for a final and distinct answer.

The diplomatic intercourse of this Government is intended to be conducted towards foreign powers in directness and simple good faith. Having no corps of professionally educated diplomatists, we select, as has been done in the instance of Mr. Keiley, an intelligent and upright citizen of high personal character to represent the honor and interests of our country near a foreign Government. This envoy is believed to be thoroughly worthy and entirely friendly to the Government and people to whom he is accredited. We have had no traditional causes of misunderstanding or wounded susceptibilities with the Government of Austria-Hungary, and Mr. Keiley having never before been accredited to any foreign power, the suggestion of Count Kalnoky that he shows "want of political tact" is therefore wholly without color of reason or basis of fact.

Some sinister and secret influence would seem to have been at work to embarrass the efforts of this Government to be represented at the imperial and royal court of Austria-Hungary by a gentleman in all respects so fit and worthy to appear there in the capacity of the representative of a friendly power.

Whilst Mr. Keiley was on the ocean on the voyage to Europe, an unusual incident was communicated by cable from London. A member of Parliament was reported as making inquiry of the British Government

whether it had urged any objection to Mr. Keiley's reception at Vienna, and the inquiry was answered in the negative by the ministry.

In the public press sundry articles and telegrams have lately appeared suggesting that the objection of the Austro-Hungarian Government to Mr. Keiley was made in deference to the feelings of the Government of Italy and its representative at the court of Vienna; and this statement is confirmed by the tenor of your letter to me. That the Austro-Hungarian Government should seek or lend itself to any pretense of this nature is quite unaccountable. * * *

I mention these facts to apprise you of the situation so far as it is disclosed, and I do so because the subject has, after much delay, been brought to your notice by the Austro-Hungarian Government.

The Government of Italy has exercised its own discretion in respect of receiving an envoy from the Government of the United States, and there the matter should be concluded so far as that Government is concerned. When Austria-Hungary, a Government with whom we have held long association of a most friendly nature, assumes to reject our envoy because of the objection of Italy based upon an alleged occurrence confined to that Government alone, the case becomes very different.

It would appear intolerable were the good relations and diplomatic intercourse of the United States with Austria-Hungary to be thus embarrassed and obstructed by the special prejudices of any third Government or of those who may represent such Government in foreign courts.

The President is exceedingly desirous for the continuation and promotion of the closest and most friendly relations with Austria-Hungary, and to comply in all things with the wishes and interests of that Government as indicated by its agents, but not to an extent involving the slightest forfeiture of our national self respect, or the respect and sense of a friendly duty which, to exist at all between two equals, must be mutually guarded and maintained.

This Government has performed its full and friendly duty towards Austria-Hungary in the appointment of Mr. Keiley as its envoy; and the reasons or suggestions which have been raised against his reception cannot be considered tenable when tried by any rule of friendly diplomatic intercourse or of consitutional or international law.

Desiring earnestly that the amicable relations which have so long existed between these two Governments and their peoples should be strengthened and not strained, I hope you will frankly convey the purport of this instruction to the Government of Austria-Hungary, in order that all objection to the friendly reception of Mr. Keiley may be withdrawn and a condition of feeling which I shall deplore but which I believe is likely to follow persistence in his rejection for the causes, or rather want of causes, stated, may be averted.

Mr. Keiley is now in Paris. Should you have occasion to address him you can do so in care of Minister McLane.

I will ask you to present your letter of recall after you have had your interview with the minister for foreign affairs in relation to Mr. Keiley. You will thereupon turn over the legation to the secretary, Mr. Strong, as chargé d'affaires *ad interim*, and he can act in that capacity until he is relieved, either by Mr. Keiley, or by the arrival of a new secretary of legation, to whom he will relinquish both his regular office and his temporary charge.

You will advise me, briefly by telegraph, the result.

I am, &c.,

T. F. BAYARD.

No. 17.

Mr. Francis to Mr. Bayard.

[Telegram.]

LEGATION OF THE UNITED STATES,
*Vienna, July 27, 1885.*BAYARD, *Washington:*Conference Saturday. He will answer soon. Take leave Friday.
Lee arrived.

FRANCIS.

No. 18.

Mr. Francis to Mr. Bayard.

No. 117.]

LEGATION OF THE UNITED STATES,
Vienna, July 28, 1885. (Received August 17.)

SIR: I have the honor to acknowledge the receipt on July 21 of your instruction of the date of July 1, 1885, treating of the appointment of Hon. A. M. Keiley to be my successor at this post, and inclosing your correspondence with Baron von Schaeffer, the Austrian minister at Washington, relative to objections urged by Count Kalnoky, the Imperial and Royal minister of foreign affairs, to such appointment.

In conformity with the instruction referred to I immediately made application at the foreign office for audience of his excellency, Count Kalnoky, who was then out of town, but returning on July 25 he promptly granted me audience on that day. I presented to Count Kalnoky the substance of your instruction referred to, together with memorandum embracing the inquiry you had made in your note to Baron v. Schaeffer of the date of June 11, 1885, with respectful request for reply as to whether the wish of the Austrian Government, that Mr. Keiley may not arrive "just now," is intended temporarily to delay Mr. Keiley's presentation at Vienna, or is to be taken as constituting a final refusal to receive him at any time. I also gave expression to the wishes of Mr. Keiley in the premises as he had communicated them to me, with statement of his desire for a prompt decision of the case. I said to Count Kalnoky that it seemed to me only simple justice that such decision should be rendered soon as convenience would permit.

I announced to his excellency at the same time that it was my wish to present at the earliest practicable day my letter of recall to His Imperial and Royal Majesty the Emperor, and I would be glad to have a time fixed for this purpose.

Count Kalnoky said he was only awaiting the arrival of Baron v. Schaeffer, now due in Vienna, for conference with him in regard to the Keiley case, and its decision by the Imperial and Royal Government would be promptly given after such interview.

His excellency said in reply to my request for an early opportunity to take leave of His Majesty, that the Emperor would not return to Vienna until September, but His Majesty would depute him (Count Kalnoky) as had been done in other similar cases to receive the letter of recall. He intended to leave town for the Emperor's summer residence at Ishl that day, but would return to Vienna so as to be here on the

31st instant. Then he would be able, he thought, to give me the desired audience in behalf of the Emperor.

I may say in this connection that Baron v. Schaeffer arrived in Vienna the day I had this interview with Count Kalnoky (July 25), and I have therefore reason to believe the case of Mr. Keiley, so far as the Austro-Hungarian Government is concerned, will very soon be decided.

I have, &c.,

JOHN M. F. ANCIS.

No. 19.

Mr. Lee to Mr. Bayard.

[Telegram.]

LEGATION OF THE UNITED STATES,
Vienna, August 4, 1885.

Mr. Lee reports that the minister for foreign affairs has declared that he cannot receive Mr. Keiley, and has asked that the United States appoint another minister.

No. 20.

Mr. Bayard to Mr. Keiley, through United States Minister to France.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 5, 1885.

Mr. Bayard instructs Mr. McLane to inform Mr. Keiley that the Austrian Government positively and finally refuses to receive him, and it is thought that he should forthwith return to the United States. Answer requested.

No. 21.

Mr. Lee to Mr. Bayard.

No. 127.]

LEGATION OF THE UNITED STATES,
Vienna, August 6, 1885. (Received August 18.)

SIR: Referring to Mr. Francis's dispatch, No. 125, under date of August 3, I have to report that pursuant to the appointment made with Count Kalnoky on Monday, August 3, I called at the foreign office on Tuesday, August 4, to receive from his excellency an answer to the substance of your dispatch to Mr. Francis dated July 1.

Count Kalnoky said that immediately on hearing of the appointment of Mr. Keiley to Austria-Hungary he telegraphed Baron Schaeffer confidentially the wishes of his Government, his intention being that his views should be verbally communicated to Mr. Bayard. He said that the objection to Mr. Keiley did not in any manner involve the question of liberty of conscience, for on that score he thought that the laws of this country were as liberal as those of my own; but that the anti-Semitic

social feeling here was a fact; that a person of proximate Semitic descent would be excluded both by the social and diplomatic circles of Vienna, and that fact was beyond the control of his Government; that he would not speak of Mr. Keiley's views on the differences between Italy and the Pope beyond saying that his form of expression was very objectionable and even insulting to the reigning dynasty of a friendly and neighboring country; that since the question of Mr. Keiley's reception had become public, there has developed here an almost unanimous public opinion as expressed by the press and through other agencies against the propriety of his recognition by this Government; that he (Count Kalnoky) reluctantly and in a spirit of the kindest friendship towards a Government with which his own had sustained the friendliest relations, whose representatives here had all been most highly esteemed in the diplomatic corps, and some of whom (notably Mr. Francis) had also acquired distinguished social position, felt obliged, as he could not secure for Mr. Keiley the position due to a United States minister, to ask me to say to Mr. Bayard that he could not receive Mr. Keiley and would ask him to make another selection.

Count Kalnoky said that he had of course informed the Emperor on the subject; that His Majesty had not expressed any individual opinion concerning it, but had referred the decision to him.

He further said that his reference to the diplomatic practice of obtaining of a foreign Government its *agrément* to the nomination of a minister, was meant only to indicate how such diplomatic questions as this one, for instance, were frequently avoided by Governments, but not with any intention of criticising the methods in use by the United States in such matters. He also said he was quite ready to admit all of Mr. Keiley's good qualities, and was extremely sorry for him individually on account of the position he found himself in; but he felt his own action in the premises had been from the first calculated to relieve him from a more disagreeable one.

He thought it undiplomatic to have intimated, without adducing some confirmatory proof, that Italy was influencing the decision of his Government, but would say that he had not been approached on the subject, once even, by the Italian ambassador.

I replied that I very much regretted that his sense of duty obliged him to decide as he had done, and that I should immediately inform Mr. Bayard of the decision.

I thereupon telegraphed you as follows: (Substance of this telegram will be found in Document No. 19.)

I have written to Mr. Keiley at Paris informing him of the decision in his case.

I have, &c.,

JAMES FENNER LEE.

No. 22.

Mr. Lee to Mr. Bayard.

No. 131.]

LEGATION OF THE UNITED STATES,
Vienna, August 17, 1885. (Received August 31.)

SIR: By the advice of Mr. Francis I called on Mr. de Szögyényi on his return from a short holiday; told him I had merely come to pay my respects, as owing to his absence Mr. Francis had been unable to pre-

sent me. He received me very civilly, and after conversing on indifferent subjects he asked me what I heard from Mr. Bayard about the Keiley matter. I replied that I had no information on the subject from Washington. He then asked me why Mr. Bayard had not recalled Mr. Keiley, to which I replied that Mr. Bayard could not do it under the circumstances. He asked why, and my reply was that an objection to Mrs. Keiley's religion (though I must disclaim any knowledge of its accuracy) could not be considered in my country a sufficient reason for recalling Mr. Keiley. He then said, as Count Kalnoky did, it was not a religious question, but a social one. I replied that I did not think Mr. Bayard desired me to discuss the question, and I thought Count Kalnoky's reply to Mr. Francis's memorandum of Mr. Bayard's dispatch closed the question. He then conversed on other subjects for a short time, when he asked me if I had known Baron von Schaeffer in America. I told him I had only been introduced shortly before leaving home, and had crossed the Atlantic with him to Antwerp, and thence traveled with him to Vienna. Resuming he said, "Schaeffer is a very ill man." I observed that I believed Baron Schaeffer's friends in America thought him more seriously ill than he thought himself to be. He then said, "Yes, yes; I hardly think he will return to America."

We then conversed on other matters for a short time, and I bade him good afternoon, he accompanying me to the door.

I have, &c.,

JAMES FENNER LEE.

No. 23.

Mr. Bayard to Mr. Lee.

No. 4.]

DEPARTMENT OF STATE,
Washington, August 31, 1885.

SIR: Your telegram, dated the 4th instant, and your dispatch, No. 127, of the 6th instant, have duly informed me of the final and deliberate decision of the Government of Austria-Hungary, communicated to you by Count Kalnoky in your interview with him on the 4th instant, not to receive the Hon. Anthony M. Keiley as the envoy extraordinary and minister plenipotentiary of this Government.

The reasons or causes which are avowed to have led the Government of Austria-Hungary to this conclusion may be found in the correspondence heretofore exchanged, and it is not my design to restate the straightforward efforts of the United States to send a competent and worthy representative of American interests and feelings near the Government of Austria-Hungary.

It may, however, be proper here to note that the United States never pressed Mr. Keiley upon Austria-Hungary, nor have they insisted upon his acceptance. His Imperial and Royal Majesty's Government, on learning of Mr. Keiley's appointment, stated certain objections, and invited the Government of the United States to admit their sufficiency by withdrawing its envoy.

This course would have raised no difficulty had the objections presented been such that the President could have recognized their pertinency and force, and, of his own executive action, annulled the appointment.

But the disinclination to accept Mr. Keiley was placed by Austria-Hungary on grounds which could not be admitted by the President, with due regard to the provisions of the Constitution, nor be held by him to constitute any disability under our law or custom. The President's freedom of action being thus barred by the Austrian presentment of the case, no alternative remained, the status having been duly made known by us, but to await from the Imperial and Royal Government a positive announcement of its purposes with regard to the acceptance or rejection of Mr. Keiley, and this announcement has at last been definitely communicated to you.

Nations, like individuals, are the proper guardians of their own self-respect and honor, and the people of the United States must decide upon their acceptance of the novel conditions of diplomatic intercourse which have been set up and insisted upon by Austria-Hungary in the case of Mr. Keiley.

By no act of mine nor with my consent can the Government of the United States be placed in an attitude of supplication for favor, or become a petitioner for recognition on terms prescribed by any foreign power, and this expression meets the full approval of the Executive.

There is, therefore, and can be, no suggestion of expostulation or protest by us against the unprecedented action of the Government of Austria-Hungary.

All that has been said and written by us has been designed to make it clear that, as between the revocation of Mr. Keiley's appointment by this Government and his rejection as an envoy by that of His Imperial and Royal Majesty, the responsibility of the final decision must rest with the latter, which, having now signified its determination and accomplished its object, must abide the result.

International comity, as understood and practiced by the United States, is substantial and sincere, and applies to the public interests of Governments and to the vast concerns embraced and controlled by governmental action. It is not the intention of the Government of the United States, as it cannot be the wish of the people of this country, from whom the power of administration is derived, to allow the important and dignified objects which diplomatic intercourse was designed to promote to be lost sight of or subordinated to the prejudices and caprices of a limited social circle.

We recognize the necessity of high personal character and intelligence in the envoys of the United States, and their possession of perfect amity and good faith towards the Government and people to whom they are sent. No breach of social conventions on their part is contemplated, neither is personal immorality to be condoned. Individual worth and competency are tests by which their fitness is to be measured. Judged by this indispensably high standard, no breath of imputation against Mr. Keiley's good fame is discoverable.

Whilst this Government concedes as freely as it exercises the right to refuse to receive an envoy, yet when that right is so exaggerated and expanded as to become a virtual claim of the function of selection as well as of rejection we must demur.

On the face of Count Kalnoky's telegram to the Austro-Hungarian minister at this capital, in the communications, both written and verbal, made to me by Baron von Schaeffer, and in the reports by Mr. Francis of his interview with Mr. Szögyényi at the foreign office and your own report in full of Count Kalnoky's statements to you in your final interview with him on this subject, two facts appear: First, that the alleged race and religious faith of the wedded wife of an envoy of the United

States is held a cause of his rejection; and, further, that objections by a third party—"a friendly power"—are necessary to be removed in order to allow a proper reception to be extended.

These conditions are simply intolerable, and are, in the case of the United States, not only inhibited by the plain letter and undying spirit of our constitution of government, but are inconsistent with that decent self-respect which forbids a nation of sixty millions of freemen to accept the position of a diplomatic dependency of the "friendly power" whose behests appear to have been acquiesced in and carried out by Austria-Hungary in the present instance.

The issues thus raised are grave, and I will not now pursue their discussion, as they will in all probability be submitted to the representatives of the American people upon the meeting of the two Houses of Congress in December next.

While consideration of the merits is thus laid aside, two matters of detail and fact, which were stated by Count Kalnoky in his last interview with you on the 4th instant, require my attention in this instruction.

First. His excellency avers that his intention was to have had his views stated verbally to me by Baron von Schaeffer. I can only say, as to this, that whatever may have been his private intentions, the full copy of his telegram to Baron von Schaeffer, of May 8, was by the latter carefully translated and handed to me in writing, and that the objection to the religious faith of Mr. Keiley's wife, which appeared in that telegram, was the main point of discussion between Baron von Schaeffer and myself, and was insisted upon by him against my earnest remonstrance and explanation that the President could not withdraw Mr. Keiley on such grounds. A month later, on the 11th of June, Baron von Schaeffer, in writing, communicated to me Count Kalnoky's declaration "that his objections to said nomination remain in full force."

Secondly. His excellency remarked to you that "he thought it undiplomatic to have intimated, without adducing some confirmatory proof, that Italy was influencing the decision of his Government."

My desire to attain absolute truth in my relation of facts has certainly been greater than to excel in the periphrases of diplomacy, but his excellency must have been either unmindful or uninformed of the statements of his associate, Mr. Szögyényi, chief of section in the ministry for foreign affairs, made to Mr. J. M. Francis, then the United States minister, on June 16, at the foreign office, or he certainly would not have averred that my comment was not diplomatic.

On that occasion Mr. Szögyényi distinctly informed Mr. Francis that "a friendly Government, a near neighbor, had objected to him" (Mr. Keiley) "as the United States representative at its court, and its views had found earnest expression here" (in Vienna) "since the President had named him as United States minister to Austria-Hungary."

Mr. Keiley's mission was the only object of that interview, and statements emanating from a source so authoritative can scarcely be held to need "confirmatory proof."

It may not be superfluous in this connection to refer to the language of Count Kalnoky in his letter to Baron von Schaeffer, as communicated to me by the latter under date of May 19, as exhibiting the influence upon his intentions of the "friendly power" referred to, wherein he states his objections to the reception of Mr. Keiley as being "based upon want of political tact evinced on his part on a former occasion, in consequence of which a friendly power declined to receive him, and upon the certainty that his domestic relations preclude that reception of him

by Vienna which we judge desirable for the representative of the United States."

You are instructed to make known to Count Kalnoky the facts in regard to the communication of his telegraphic dispatch in writing, and its subsequent confirmation in Baron von Schaeffer's letter to me, and also the statement of Mr. Szögyényi to Mr. Francis in relation to the "earnest expression" at Vienna, of the wishes of a third party concerning the diplomatic relations of Austria-Hungary and the United States.

The personal and individual opinions of His Majesty the Emperor, to which Count Kalnoky made reference in your interview, we must of course hold to have been expressed by his distinguished minister.

I cannot close this instruction without referring to the remark addressed to you by Count Kalnoky, that "the antisemitic social feeling here [in Vienna] was a fact; that a person of proximate semitic descent would be excluded both by the social and diplomatic circles of Vienna, and that fact was beyond the control of his Government." This fact, if beyond the control of the Imperial and Royal Government, is equally beyond the cognizance of the executive power of this Republic, which could not admit a principle which, through the exclusion of "persons of proximate semitic descent," and others married to "persons of proximate semitic descent," would establish a religious test, and disfranchise from holding public office a very large and important body of our citizens.

It is a cause of astonishment that in an era of advanced civilization, in which musty prejudice and illiberal discrimination among religious sects and races of mankind are giving such gratifying proofs of their rapid extinction, when throughout the wide world the death of the venerable and philanthropic Montefiore is so genuinely mourned, when the council of highest rank and most exclusive privilege of the British Empire is glad to enroll in its peerage a member of the noted house of Rothschild, that from so enlightened a Government as that of Austria-Hungary should proceed the declaration that "proximate Semitic descent" will be sufficient to proscribe individuals of admittedly blameless and virtuous personality from appearing at that court clothed in the representative character of a friendly power.

I am, &c.,

T. F. BAYARD.

No. 24.

Mr. Keiley to Mr. Bayard.

NEW YORK, *September 1, 1885.* (Received September 7.)

SIR: My appointment of minister of the United States near the court of Austria-Hungary was communicated to me on the 2d of May, 1885, and on the 7th I sailed for my post, arriving at Cherbourg on the 17th and at Paris the following day. In the railway station at the latter city I was handed your telegram directing me not to proceed to Vienna until I had heard from you further, and I accordingly remained.

On the 7th of August I received a letter from Col. J. Fenner Lee, secretary of the legation of the United States at Vienna, and later in the same day a cablegram from yourself, announcing that the Austrian Government had finally refused to receive me; and conceiving it my duty to return at once to the United States, I secured passage on the earliest

available steamer, sailing on the 15th and arriving in New York on the 26th, and proceeded the next day to Washington to possess myself of the details of the correspondence between the foreign offices of the respective Governments and to learn the attitude and purpose of the administration.

I am advised by you that it is not the design of my Government to recall me or to countenance in any other manner the extraordinary objection made by Austria to my reception, but that I am left free to pursue such course as my own judgment may indicate as appropriate.

That course is entirely clear. I cannot consent to accept the compensation of an office without discharging its duties, and I therefore hereby return to the President the commission with which he was pleased to honor me, and beg that you will, at the earliest moment, lay this communication before him.

Under other circumstances this note might be concluded here; but the position of the Government of Austria-Hungary in respect of this case involves questions of so grave a nature, concerns principles of American liberty so vital and elementary, and affect the rights, feelings, and interests of so large a segment of our people, that I may be pardoned for asking official consideration of the facts.

These will be best understood by a summary of the correspondence in the sequence of its dates.

On the 8th of May Count Kalnoky, the Austrian minister of foreign affairs, forwarded a telegram from Vienna to Baron von Schaeffer, the Austrian minister at Washington, which was communicated to you on the following day, by the latter, in a translation under his own signature. As the first announcement of Austria's objection, expressed in language of her own choosing, and officially communicated by her most exalted representative, this dispatch must, of course, be regarded as the official statement of the position of that Government. In that communication the only syllable suggestive even of exception to myself is contained in this sentence:

The position of a foreign envoy, wedded to a Jewess by civil marriage, would be untenable and even impossible in Vienna.

This objection, thus announced with a certain bluntness, disdaining even the affectation of respect for modern ideas of freedom, is, as we shall see, repeated at every step of this correspondence with a persistence which discloses either the purpose of a deliberate and gross insult to the American people or a desire to mask under a false reason, avowed, though disreputable, a true reason too disreputable to be avowed. I say an insult to the American people, because in this, its first form of statement, as ever throughout this correspondence, it is proclaimed that in the official regard of Austria, Hebrew blood brands as with a leprosy, not only excluding all tainted with it from high honor at Austria's hands, but disqualifying beyond remedy even the agents of other Governments who may have business with Austria, so fatal indeed, that even a marriage connection with it by a citizen of whatever blood or belief, unfits him for the representation of a foreign and friendly power at this imperial and royal court.

In the same dispatch Count Kalnoky formally requested that my departure for Vienna should be delayed, but as I had already sailed, your only recourse was to stop me in transit, as was done. Of this Baron von Schaeffer was informed, and he communicated the fact to his Government.

On the 16th of May he transmitted to you a second message from Count Kalnoky, in which that distinguished personage reiterated his threat of official ostracism in these words:

The new minister will find himself in a most painful position upon his arrival in Vienna.

To this, as well as to his first telegram, you made a full and formal reply on the 18th of May, calling attention to those principles of religious liberty and absolute civil equality embedded in our organic law which were invaded by this assumption, and deprecating the bigotry which stood ready to hazard international comity for reasons which the administration would not even condescend to discuss, and you called attention to the affront to American independence in the assumption, in substance, by a foreign power of a right to prescribe a religious test for an American office, and to the more offensive affront to the genius of our people in seeking cause for the disfranchisement of the citizen in the faith of his wife. In this dispatch you fortunately fixed the limits of the contention by designating this objection of bigotry as "the reason, and the only reason, given for the indisposition of the Government of Austria-Hungary to receive Mr. Keiley."

On the 19th of May, Baron von Schaeffer acknowledged receipt of your answer and promised to forward it in original by that day's post to Vienna, and on the 10th of June you were furnished with Count Kalnoky's response, in which he restates his objection to my reception, declaring it *now* to be "based upon want of political tact evinced on his part on a former occasion, in consequence of which a friendly power declined to receive him, and upon the certainty that his domestic relations preclude that reception of him by Vienna society which *we judge* desirable for the representative of the United States."

In the same dispatch Count Kalnoky expressed the wish that "Mr. Keiley may not arrive in Vienna *just now*."

The new objection is the announcement of the claim by Austria to sit in judgment upon the qualifications of an American minister, and to determine them by the opinions or prejudices of a third power in a matter in which that third power alone was interested; and is even more conspicuously an insult to the United States than the former objection. We shall also see significant evidence in the future correspondence that of this position, as of the other, Count Kalnoky has the grace to be ashamed.

The instability of purpose betrayed in a request that I should not arrive in Vienna "just now," contained in a dispatch adding objections to those which Count Kalnoky had already declared would make my position at Vienna "impossible," seemed to indicate the dissatisfaction of Austria with her own case and an unwillingness on the part of her minister to face the responsibility of his extraordinary claim; but determined as you were that this controversy, at once so profitless and so unpleasant, should be speedily settled, you instructed Mr. Francis, the American minister in office at Vienna, to request of the Austrian Government an early and definite decision.

Meanwhile you had received from Mr. Francis a dispatch covering the details of an interview with Mr. Szögyényi, chief of section in the ministry of foreign affairs at Vienna, held on the 17th of June, in which that confidential and high officer cited the objections "which a friendly Government and near neighbor" had opposed to me, adding that its views had "found earnest expression at Vienna."

This formal statement, in connection with Count Kalnoky's objection,

justified the suspicion that Austria was insulting the United States to please Italy, and you desired Mr. Francis to call that matter also to the attention of her minister.

On the 25th of July, Mr. Francis laid the whole matter fully before the Austrian minister of foreign affairs, and left with him a memorandum of the position of the United States in detail, to which Count Kalnoky promised a reply as soon as he could confer with Baron von Schaeffer, then on his way to Vienna.

On the 3d of August, this response was formally communicated to Colonel Lee, the American chargé, and was transmitted by him to you in a full dispatch, dated August 6, at the same time cabling to you the conclusion of Austria not to receive me.

In this interview Count Kalnoky informed Mr. Lee that his first dispatch to Baron von Schaeffer was designed to be *verbally* communicated to you; that the anti-Semitic feeling in Vienna was so decided that a person of proximate Semitic descent would be equally excluded by both the social and diplomatic circles of that city; that as to the intervention of Italy, he regarded it undiplomatic in the American Secretary of State to advert to it without confirmatory proof; but that in point of fact he had not even been approached by the Italian minister on that subject. Finally, that Austria would not receive an American minister obnoxious to the objections presented to me.

With respect to the intervention of Italy, not only has the press of Vienna enjoying the reputation of semi official authority, openly avowed that my rejection was an evidence of the disposition of Austria to placate Italy, but both Count Kalnoky and his chief of section, with as much directness of statement as is permitted to diplomacy, admitted the same to be true.

If Count Kalnoky, in affirming that the Italian minister had not approached him on this subject, merely meant to say that Italy's objection, though made, was not presented through a particular channel, he simply illustrated the proverbial insincerity of diplomatic intercourse. If, however, he meant to deny that Italy's objection was presented in any way, he accentuates the insult to the United States, since he confesses, that, in order to propitiate that power, he shut the door of the Austrian court in the face of an American minister for a cause which Italy herself did not deem of sufficient gravity to suggest.

But the great objection, maintained throughout, repeated in every communication, varied in expression as if to present it in every form of offense, is the proclamation that no matter what his character, qualification, or public services, no American citizen of Hebrew race or creed, and no American citizen of whatever race who commits the crime, in Austria's eyes, of marrying a Hebrew wife, shall be received in diplomatic circles in Vienna, or permitted to represent the interests of the United States at the Austrian court.

That is to say, Austria claims the right (1) to prescribe a religious test for office in the United States; (2) to determine what creed shall constitute the disqualification.

It is difficult to determine whether the citizen is more outraged by the first or the Republic insulted by the second.

Certain it is until the Constitution of the United States is altered to meet Austria's views in this behalf there is no fit place or appropriate function for an American minister at Vienna.

The doctrine is elementary that the mutual independence and sovereignty of states demand that all free nations shall have power, with or without cause, to decline to receive a particular envoy. A nation may,

since all things are possible to stupidity and malevolence, declare that it will receive no minister whose hair is not red, and the only permissible resentment is the withdrawal of all intercourse. So a nation may decline to receive a particular envoy, without assignment of cause, and under diplomatic law, without conveying offense. When, however, it declines to avail itself of its right to decide such a question by a simple *sic volo*, and proceeds to give reasons, it submits to the jurisdiction of reason and invites judgment on the rightfulness of its course.

Justice to its own people and protection of their rights are the first obligations of every Government; and in this case but one course seems adequate to the vindication of the one and the maintenance of the other.

Austria's claim is not an exercise of the power of rejection. It passes far beyond this, and in substance amounts to a demand of the privilege of selection, an infringement of the liberty and an affront to the dignity of the United States, such as no power could accord without humiliation or assent to without public shame.

There can be no question that this assumption of an Austrian veto of Presidential appointments will, as it ought to, arouse the resentment and encounter the rebuke of every American citizen in whose breast that pride of country which is the essence of patriotism has place.

Nor will that resentment be less decided from the circumstance that the race and religion thus proscribed have won their place with the foremost of the earth by an eminence in statesmanship and finance, in arts and letters, which has conquered the inherited intolerance of centuries, and the further circumstance that the blow which wounded them pierced also the most ennobling relation of human society.

I have, &c.,

A. M. KEILEY.

No. 25.

Mr. Bayard to Mr. Keiley.

No. 2.]

DEPARTMENT OF STATE,
Washington, September 15, 1885.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, which contains your resignation of the position of envoy extraordinary and minister plenipotentiary to Austria-Hungary.

The statement of the facts attending your appointment in May last, and your voyage to and from Europe in pursuance of your mission, which accompanies your letter; is entirely accurate, and the reasons you assign for no longer retaining the commission intrusted to you are consonant with your own dignity and personal character as an upright citizen and honest public servant.

The President and those who are associated in his council are completely satisfied with your attitude and action throughout this remarkable episode in our diplomatic history, and all deeply regret that the country has been prevented by the unprecedented and intolerable action of the Austro-Hungarian Government from having the advantage of your personal presence at Vienna and of your services there as a competent and worthy representative of the interests and honor of the American people and their Government.

I am thoroughly aware of, and exceedingly deplore, the serious personal inconvenience and pecuniary loss which have been entailed upon

you by the wholly unexpected course of the Government to which you were accredited. And whilst I might, for some reasons, have deprecated your refusal to accept the other official positions of honor and emolument of which the option was tendered to you, yet your action in declining to place yourself in the attitude of an indiscriminating seeker or recipient of public salary and position is so in keeping with the estimate formed of your character that I am sure it will receive the hearty and enviable acclaim and approbation of your fellow countrymen.

The proprieties attaching to diplomatic communications have necessarily caused the correspondence in this case between the Governments of the United States and Austria-Hungary to be withheld from publication, and much honest misunderstanding, and, I regret to say, no little malevolent misstatement, have been allowed to pass uncorrected, but the incident of the declination by the Government of Austria-Hungary to receive you as the envoy of the United States, upon the grounds alleged, is destined, I believe, to have important consequences.

I will not believe that the people of the United States will ever consent to the creation or enforcement of such tests as have been insisted upon by the Government of Austria-Hungary as conditions precedent and qualifications for the selection of their representatives in foreign courts by the United States. Such action must naturally awaken widespread amazement, coupled with indignation and resentment, when the history of the case is made public, nor do I believe that these sentiments will be confined to our own country, but that, wherever religious liberty is valued and respected, a common judgment will be formed.

In closing this communication, I reiterate my expressions of disappointment that you have disconnected yourself temporarily from the public service. Whilst the immediate cause for this voluntary act of severance is to be regretted, yet I congratulate you that your name is honorably associated with the maintenance and vindication of principles which constitute the very soul of personal liberty, and which lie at the foundation of our Government. To be allied with such principles is honor at all times, with success as a certain finality.

I am, &c.,

T. F. BAYARD.

No. 26.

Mr. Lee to Mr. Bayard.

No. 147.]

LEGATION OF THE UNITED STATES,
Vienna, October 9, 1885. (Received October 24.)

SIR: I have the honor to say that in accordance with your instruction No. 4, dated August 31, 1885, I called on Count Kalnoky on Tuesday, October 6, and communicated to him the facts in regard to the communication of his telegraphic dispatch in writing and its subsequent confirmation in Baron von Schaeffer's letter to you, and also the statement of Mr. Szögyényi to Mr. Francis in relation to the "earnest expression" at Vienna of the wishes of a third party concerning the diplomatic relations of the United States and Austria-Hungary.

Having listened attentively to what I had to say on the first point, he simply observed, "Yes, there is no doubt Baron von Schaeffer made a mistake in communicating in writing confidential instructions to him-

self. These matters always should be considered verbally and confidentially."

With regard to Mr. Francis' interview with Mr. Szögyényi, he said "It is impossible that Mr. Szögyényi could have said anything that implied an interference on the part of the Italian Government. Mr. Francis must have misunderstood him. You know he does not speak English very well; but he could not have said it, as it had not occurred. Oblige me on going from here to go to Mr. Szögyényi's office and ask him what his recollection of this interview with Mr. Francis was." I rather protested against seeking corroboration to his own words. He replied that he especially desired it, and begged me to go immediately from his office to Mr. Szögyényi before there could be any possibility of his seeing him or conversing with him. I replied that if he made an especial request that I would do so to gratify him. He said he was much obliged to Mr. Bayard for calling his attention to the matter, as it was always desirable to have any such mistake rectified at once. Count Kalnoky also asked me to say to Mr. Bayard that he regretted exceedingly that any misunderstanding should exist between the two countries, and that it was foreign to his mind that any misunderstanding should grow out of what had occurred.

I then went, as requested, to see Mr. Szögyényi, who was not in his office when I sent my card (his office is in a different part of the same building), but I was asked to wait, as he would not be absent long. On his return I told him the object of my visit, when he at once said Mr. Francis had misunderstood him; that, of course, he could not recollect the exact language of all the conversations he held, but that it was impossible that he should have said anything to Mr. Francis that would have given him to understand that the Italian Government was taking any part in the matter of Mr. Keiley's reception, as it was not true. It must have been the fault of his bad English. He did recollect conversing with Mr. Francis on the subject, but when I asked him what I should tell Mr. Bayard he did say, he said he could not, of course, recollect exactly at that distance of time, but that Italy never had objected, and he could not have said anything that implied that it had. He begged me to explain how impossible the matter was to my Government, and again said that it must have been the fault of his English.

It transpired during the interview that he had seen Count Kalnoky since I had, as he asked me at the end of his explanation what Count Kalnoky had said on the subject. When I told him he had said exactly the same thing, he replied, "I am glad. I was with the count a few minutes ago, and he asked me if I had seen you; I said 'No.' He then said, 'Mr. Lee is no doubt waiting now to see you, so go at once.' I asked him what Mr. Lee wanted to see me about. Count Kalnoky replied, 'Never mind; I do not wish to talk to you about it before you have seen him, and in that way perhaps influence the bent of your thoughts.'"

The remainder of the interview, being upon a different subject, I reserve for a separate dispatch.

I have, &c.,

JAMES FENNER LEE.

CORRESPONDENCE WITH THE LEGATION OF AUSTRIA-
HUNGARY AT WASHINGTON.

No. 27.

*Mr. Bayard to Baron Schaeffer.*DEPARTMENT OF STATE,
Washington, May 4, 1885.

BARON: I have the honor to inform you that the President has appointed Anthony M. Keiley, of Virginia, one of our distinguished citizens, to succeed Mr. Francis as the envoy extraordinary and minister plenipotentiary of the United States at Vienna.

In communicating this intelligence, I desire to bespeak for Mr. Keiley, through your kind offices, that favorable reception at Vienna which is due to his merits as an American citizen of great ability and character.

I improve, &c.,

T. F. BAYARD.

No. 28.

Count Kalnoky to Baron Schaeffer.

[Translation of telegram.]

VIENNA, May 8, 1885.

We regret the nomination of Mr. Keiley as minister plenipotentiary and envoy extraordinary to the imperial court and his sudden departure from America, as here, too, like in Rome, *prevail scruples against this choice.*

Please direct *in the most friendly way* the attention of the American Government to the generally existing diplomatic practice to ask previously to any nomination of a foreign minister the *agrément* (consent) of the Government to which he is accredited.

You are therefore requested to *earnestly entreat* them that the newly-nominated minister may not reach Vienna before our confidential consent to his nomination has taken place.

The position of a foreign envoy wedded to a Jewess by civil marriage would be untenable and even impossible in Vienna.

COUNT KALNOKY.

No. 29.

*Mr. Bayard to Baron Schaeffer.*DEPARTMENT OF STATE,
Washington, May 18, 1885.

BARON: On the evening of May 8th I received from you, at my residence, a private note to the effect that you had a telegram from your Government which you desired to lay before me at the State Department, and I instantly replied appointing the following morning, May 9, for our meeting at the place so designated.

On May 9, at noon, you kindly handed me the translation you had made of a telegram dated Vienna, May 8, 1885, from Count Kalnoky to yourself, which is literally as follows :

We regret the nomination of Mr. Keiley as minister plenipotentiary and envoy extraordinary to the imperial court and his sudden departure from America, as here, too, *like in Rome, prevail scruples against this choice.*

Please direct *in the most friendly way* the attention of the American Government to the generally existing diplomatic practice to ask previously to any nomination of a foreign minister the *agrément* (consent) of the Government to which he is accredited.

You are therefore requested to *earnestly entreat* them that the newly-nominated minister may not reach Vienna before our confidential consent to his nomination has taken place.

The position of a foreign envoy wedded to a Jewess by civil marriage would be untenable and even impossible in Vienna.

COUNT KALNOKY.

You were then informed by me in our conversation that the Hon. A. M. Keiley, envoy extraordinary and minister plenipotentiary of the United States to your Government, had embarked for Europe on the day previous to the day on which the telegram was dated, and being then upon the high seas it was, as it still is, impossible to inform him of the telegram received by you until his arrival in Europe.

The reason, and the only reason, given for the indisposition of the Government of Austria-Hungary to receive Mr. Keiley, stated in the telegram and repeated by you verbally to me, consists in the allegation that his wife was "a Jewess," and that his marriage to one of that faith would render his position, in the words of the telegram, "untenable and even impossible in Vienna."

On Saturday, the 16th of May, at 4 p. m., I received your communication of that date, as follows :

I have the honor to inform you that, in reply to the communication addressed by me to His Majesty's Government that Mr. Keiley would not be stopped *en route* to Vienna, Count Kalnoky has instructed me to let you know that this nomination will doubtless be attended with great difficulties, and the new minister will find himself placed in a most painful situation upon his arrival in Vienna.

The question thus raised by your Government involves principles of the greatest importance, and has no precedent as yet discoverable to me in modern times and in intercourse between friendly nations; and having submitted the matter to the consideration of the President, I am instructed by him to inform your Government, through you, that the ground upon which it is announced, that the usual ceremonial courtesy and formal respect are to be withheld from this envoy of the United States to your Government, that is to say, because his wife is alleged or supposed by your Government to entertain a certain religious faith, and to be a member of a certain religious sect, cannot be assented to by the Executive of the Government of the American people, but is and must be emphatically and promptly denied.

The supreme law of this land expressly declares that "no religious test shall ever be required as a qualification to any office or public trust under the United States," and by the same authority it is declared that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

This is a government of laws, and all authority exercised must find its measure and warrant thereunder.

It is not within the power of the President nor of the Congress, nor of any judicial tribunal in the United States, to take or even hear testimony, or in any mode to inquire into or decide upon the religious belief

of any official, and the proposition to allow this to be done by any foreign Government is necessarily and *a fortiori* inadmissible.

To suffer an infraction of this essential principle would lead to a disfranchisement of our citizens because of their religious belief, and thus impair or destroy the most important end which our constitution of Government was intended to secure. Religious liberty is the chief cornerstone of the American system of government, and provisions for its security are imbedded in the written charter and interwoven in the moral fabric of its laws.

Anything that tends to invade a right so essential and sacred must be carefully guarded against, and I am satisfied that my countrymen, ever mindful of the suffering and sacrifices necessary to obtain it, will never consent to its impairment for any reason or under any pretext whatsoever.

In harmony with this essential law is the almost equally potential unwritten law of American society that awards respect and delicate consideration to the women of the United States and exacts deference in the treatment at home and abroad of the mothers, wives, and daughters of the Republic.

The case we are now considering is that of an envoy of the United States, unquestionably fitted, morally and intellectually, and who has been duly accredited to a friendly Government, towards which he is thoroughly well affected; who in accordance with the laws of this country, has long since contracted and has maintained an honorable marriage, and whose presence near the foreign Government in question is objected to by its agents on the sole ground that his wedded wife is alleged to entertain a religious faith which is held by very many of the most honored and valued citizens of the United States.

It is not believed by the President that a doctrine and practice so destructive of religious liberty and freedom of conscience, so devoid of catholicity, and so opposed to the spirit of the age in which we live can for a moment be accepted by the great family of civilized nations or be allowed to control their diplomatic intercourse.

Certain it is, it will never, in my belief, be accepted by the people of the United States, nor by any administration which represents their sentiments.

Permit me, therefore, being animated only by the sincerest desire to strengthen the ties of friendship and mutual respect between the Governments we respectively represent, most earnestly and respectfully to crave careful consideration of this note, and to request your Government to reconsider the views you have communicated to me in respect of the possible reception of Mr. Keiley on the mission of amity and mutual advantage which, in the amplest good faith, he was selected by this Government to perform.

Into the religious belief of its envoy, or that of any member of his family, neither this Government nor any officer thereof, as I have shown you, has any right or power to inquire, or to apply any test whatever, or to decide such question, and to do so would constitute an infraction of the express letter and an invasion of the pervading spirit of the supreme law of this land.

While thus making reply to the only reason stated by your Government as the cause of its unreadiness to receive Mr. Keiley, permit me also to remark that the President fully recognizes the highly important and undoubted right of every Government to decide for itself whether the individual presented as the envoy of another state is or is not an acceptable person, and in the exercise of its own high and friendly dis-

cretion, to receive or not the person so presented. This right so freely accorded by the United States to all other nations, its Government would insist upon should an occasion deemed to be proper arise.

Accept, &c.,

T. F. BAYARD.

No. 30.

Baron Schaeffer to Mr. Bayard.

WASHINGTON, May 19, 1885.

SIR: I have the honor to acknowledge the receipt of your official note answering my communication of the 16th instant, relating to the nomination of Mr. Keiley as envoy extraordinary and minister plenipotentiary at the court of Vienna, and shall not fail to lay it before my Government in original with to-day's post.

Not feeling myself authorized to enter in any discussion of the arguments therein contained, I cannot but repeat my most friendly verbal request that the newly nominated minister may not reach Vienna before the confidential *agrément* to his acceptance of the Imperial and Royal Government has taken place.

Accept, &c.,

SCHAEFFER.

No. 31.

Mr. Bayard to Baron Schaeffer.

DEPARTMENT OF STATE,
Washington, May 20, 1885.

BARON: With reference to the note which I had the honor to address to you on the 18th instant concerning the appointment of the Hon. A. M. Keiley as the envoy extraordinary and minister plenipotentiary of the United States near the Government of Austria-Hungary, I have now the honor to present to you the view of this Government with respect to a point which had been advanced by your Government, and which I had, in preparing that note, set aside for more convenient examination.

In the telegram sent to you by Count Kalnoky, on the 8th instant, in relation to Mr. Keiley, a translation of which you kindly handed to me, I note that he desires the attention of this Government to be directed to what he designates as the generally existing diplomatic practice to ask, previously to any nomination of a minister abroad, the consent of the Government to which he is to be accredited.

In the conversation we held at the time you delivered that translation to me I stated to you that such practice did not prevail with this Government, nor was such consent sought in advance of its nominations of envoys to foreign states.

Upon reflection the importance of the question becomes apparent. Consequently, I have made careful search for the precedents and practice in this Department for the last ninety years. The result enables me to inform you that no case can be found in the annals of this Gov-

ernment in which the acceptability of an envoy from the United States was inquired about or ascertained in advance of his appointment to the mission for which he was chosen.

Whilst the practice to which Count Kalnoky refers may, in a limited degree, prevail among European states, yet in this respect the exceptions are very numerous, and there are important reasons why, in this country, the practice should never have been adopted, and why its adoption would not be practical or wise.

Our system of frequently recurring elections at regular and stated periods provides, and was intended to provide, an opportunity for the influence of public opinion upon those to whom the administration of public affairs has been intrusted by the people temporarily, and for a fixed time only, on the expiration of which an opportunity for a change in its agents and policies is thus afforded.

The affiliation in sentiment between a political administration thus defeated at the polls and a foreign nation closely interested in maintaining certain international policies and lines of political conduct, might render it difficult for an administration, elected for the very purpose of producing a change of policy, to procure the consent of the foreign Government to the appointment of agents whose views were in harmony with the latest and prevailing expression of public opinion as the result of popular election.

As this Government has never adopted the policy of employing professional diplomatists specially dedicated to the duties of the service, and as it has no titled or privileged class to select from for the performance of such duties, it is constrained to choose its representatives abroad from those who have been bred to other pursuits. In following this course, care is taken to secure persons of intelligence and standing, believed to be worthy of the confidence of their own Government and who would not be likely to offend the susceptibilities of society or of the authorities of the foreign country. The choice of such representatives may not invariably have been wise, but I will venture to say that it has been in the main as nearly so as human fallibility will allow.

If, however, upon the announcement of a mission, the Government to which the chosen envoy is to be sent objects to him, and declines to receive him on the ground of some vague report to his discredit—probably originating in the disappointment of personal rivalry or in envy—it may result in creating an issue founded upon retaliation, and thus permit petty personal objections to seriously embarrass important public affairs, and, perhaps, in the end, prevent the accrediting of a representative of either Government. This to us would be especially undesirable in respect to Austria-Hungary, one of the most ancient and respected Governments in Europe, to which the United States are bound by many lasting ties of amity.

Permit me to observe, here, that, whilst the wise and time-honored custom of this Republic precluded the prior submission of the President's choice of his agent to the approval of the Government you represent, yet I availed myself of the earliest opportunity to courteously acquaint you, by my note of the 4th instant, and your Government directly by means of an instruction sent the same day to the United States legation at Vienna, of the choice and appointment of Mr. Keiley to that mission, and to bespeak for him, through your kind offices, that favorable reception at Vienna due to his merits as an American citizen of great ability and character. In so doing, I followed with pleasure the common usage of this Government on such occasions, and one which

in many instances—although I find numerous exceptions—has been observed by other Governments toward this.

It is hoped, in view of the foregoing considerations, that His Majesty the Emperor of Austria and King of Hungary will find in the appointment of Mr. Keiley as envoy extraordinary and minister plenipotentiary of the United States no sufficient ground to reject him in that character because of His Majesty's sanction not having previously been asked.

Accept, &c.,

T. F. BAYARD.

No. 32.

Baron Schaeffer to Mr. Bayard.

WASHINGTON, May 25, 1885.

SIR: Information having reached His Majesty's Government through Prague papers and otherwise, that a considerable number of Bohemian's (Czechs), residents of Chicago and the environing districts, are going to leave on the 30th instant, at 5 o'clock p. m., by the Hamburg steamer Westphalia, as saloon and steerage passengers, for Prague, Bohemia, ostensibly to witness the opening festivities of the new National Theater in that city, and as it is quite possible that some of the Bohemian socialists and anarchists, now in this country, may avail themselves of this opportunity for effecting their return to the Austro-Hungarian monarchy, or with a view to smuggle into His Majesty's dominion pamphlets of revolutionary character or explosives, I have been instructed to bring this matter to the notice of the Government of the United States. I have consequently the honor to make you the above communication, requesting you to take measures for having the luggage of all Bohemian tourists who are booked as passengers on the Westphalia carefully examined by the New York police, and to have all suspicious matter in the way of explosives and revolutionary pamphlets seized.

I venture to hope that this request, prompted by considerations of the utmost importance, may appear practicable in your eyes, and beg that you will inform me if such suspicious matter should have been found.

Accept, &c.,

SCHAEFFER.

No. 33.

Mr. Bayard to Baron Schaeffer.

DEPARTMENT OF STATE,
Washington, May 26, 1885.

BARON: I have the honor to acknowledge the receipt of your note of yesterday, whereby you acquaint me with the purport of information, gathered by your Government through Prague newspapers and otherwise, to the effect "that a considerable number of Bohemians (Czechs), residents of Chicago and the environing districts, are going to leave on the 30th instant, at 5 o'clock p. m., by the Hamburg steamer Westphalia, as saloon and steerage passengers, for Prague, Bohemia, ostensibly to witness the opening festivities of the new National Theater in that city," and add that "as it is quite possible that some of the Bohe-

mian socialists and anarchists, now in this country, may avail themselves of this opportunity for effecting their return to the Austro-Hungarian monarchy, or with a view to smuggle into His Majesty's dominions pamphlets of revolutionary character or explosives," you have been instructed to bring the matter to the attention of the Government of the United States, requesting that measures be taken "for having the luggage of all Bohemian tourists who are booked as passengers of the Westphalia carefully examined by the New York police, and to have all suspicious matter in the way of explosives and revolutionary pamphlets seized," and, further, that you be informed "if such suspicious matter should have been found."

With every desire to do justice to the motive which prompts this request on the part of His Majesty's Government, I must in all frankness premise that it appears to be based on a misapprehension of the functions and duties of the Executive under our federal system of government. The police of New York is a municipal organization, under the control of the State, and is not under the direction of the Federal Government. There is no mechanism provided, under either Federal or State laws by which the nationality of outgoing passengers may be competently ascertained and those of any particular origin separated from others. Even were this provided, there is no way open for the enforced examination of the effects of such passengers, except by due operation of law, as administered by the judicial authorities, upon complaint duly made. In the event of its appearing that the law is violated or about to be violated, the suggested search may be in order as a part of the judicial function; but there is no power lodged in the hands of the Executive to decree such a proceeding as a preventive measure.

The objects of the suggested search are stated by you to be the discovery of "explosives and revolutionary pamphlets," and the seizure thereof. As touching the supposed "revolutionary pamphlets," the Executive is without power to act. There is no statute known to it which interdicts or restrains the individual possession of such matter within the jurisdiction of the United States, nor, indeed, any law defining what printed matter may or may not be "revolutionary." As the Executive cannot take cognizance of such revolutionary or seditious matter, even if directed against our own constitutional form of government, it stands to reason that it is no less incompetent to pass upon such subversive character when it may be alleged that it is in contravention of the municipal statute of another land. To intervene in that case would be, in effect, to attempt to administer, within the sovereignty of the United States, the domestic law of another sovereign.

The carriage and shipment of dangerous combustible and explosive materials upon passenger vessels engaged in international or inter-State traffic is, however, regulated by law, in the interest of the safety of human life, by the Federal statutes of the United States, leaving the regulation of such carriage and shipment within the limits of any State to the municipal jurisdiction thereof. I have the honor to inclose herewith for your information, copies of the pertinent sections of the Revised Statutes, Nos. 4278, 4279, 4472, 5353, and 5354. By section 5353 the conveyance or delivery of the explosive substances named upon a passenger vessel engaged in foreign or inter-State traffic is punished by a fine of not less than \$1,000 or more than \$10,000, one-half to the use of the informer. This fine is, of course, imposable in the regular course of judicial proceedings.

If, therefore, complaint be lodged before any magistrate of the United States, by any person cognizant of the facts, charging any person or

persons with violation of this statute, the consequent proceedings will be instituted to the end of establishing the guilt or innocence of the party accused. Such complaint may be duly made by any officer of your Government, or by any person whomsoever having knowledge or belief on which to found such a charge; and the United States attorney at New York will cheerfully assist in the institution of such proceedings.

I am happy in being thus able to point out the line of demarkation between the Executive action, founded on suspicion, which your Government suggests, and which as I have shown is here impracticable, and the judicial examination of the fact of the criminal conveyance of a deadly explosive on board of a passenger vessel to the endangerment of human life.

Be pleased to accept, &c.,

T. F. BAYARD.

No. 34.

Baron Schaeffer to Mr. Bayard.

WASHINGTON, June 11, 1885.

SIR: Referring to your notes of the 18th and 20th May last, I have the honor to inform you that these papers have been laid before Count Kalnoky, and that I have been instructed by his excellency to inform you, confidentially, that His Majesty's Government must absolutely decline to make your deductions the basis of a discussion with the Government of the United States, upon religious liberty and diplomatic law.

In Austria-Hungary, as well as in the United States, the constitution grants entire liberty to all forms of religious worship. *Our objections to Mr. Keiley's appointment as minister of the United States to the Imperial Court are founded upon want of political tact evinced on his part on a former occasion, in consequence of which a friendly power declined to receive him; and upon the certainty that his domestic relations preclude that reception of him by Vienna society which we judge desirable for the representative of the United States, with which power we wish to continue the friendly relations existing between the two Governments.*

Count Kalnoky adds that Keiley's rather sudden appointment and abrupt departure cannot be regarded very considerate proceedings, that his objections to said nomination remain in full force, and that he feels bound to express the repeated wish that Mr. Keiley may not arrive in Vienna just now.

Accept, &c.,

SCHAEFFER.

No. 35.

Mr. Bayard to Baron Schaeffer.

DEPARTMENT OF STATE,
Washington, June 13, 1885.

SIR: With reference to my reply of the 26th ultimo, to your note of the 25th ultimo, in relation to the alleged embarkation of certain Bohemian socialists at New York, I have the honor to inform you that I have

received a report through the Attorney-General to the effect that the authorities at New York have been unable to obtain any information of any unlawful proceedings in the premises.

Accept, &c.,

T. F. BAYARD.

No. 36.

Mr. Bayard to Baron Schaeffer.

DEPARTMENT OF STATE,
Washington, June 15, 1885.

BARON: I have the honor to acknowledge the receipt of your note dated the 11th instant, which reached me at noon on the 12th.

It is deeply to be regretted that the friendly intentions and efforts of this Government to be represented at the court of Austria-Hungary by an envoy entirely acceptable to that friendly power have not been wholly successful in the case of the proposed minister, the honorable A. M. Keiley, who was commissioned by the President for that responsible and distinguished position on the 29th of April last, and of whose appointment you were advised by my note of the 4th of the following month.

It was solely and in direct response to the telegram of Count Kalnoky to you, which you kindly communicated to me on the 9th of May, that my notes of the 18th and 20th of May were written. The only objection assigned by Count Kalnoky to receive Mr. Keiley—being the religious faith of the latter's wife—was answered by my note of May 18, and his suggestion or inquiry as to the practice of this Government to obtain in advance the "*agrément*" of a friendly foreign state before sending an envoy to it, called forth my note of the 20th.

The present declination of His Imperial and Royal Majesty's Government "to make" my "deductions the basis of a discussion" on these points closes, and, I may be permitted to say, somewhat abruptly, a correspondence invited expressly by Count Kalnoky's telegram to you, which, by his direction, you communicated to me; and I note, also, by your letter of the 11th instant that Count Kalnoky's objections to the nomination in question "remain in full force." As I have already communicated to you the views of this Government concerning those objections, repetition thereof is unnecessary.

The objection to Mr. Keiley's reception as a minister of the United States at the Imperial and Royal court, which is for the first time made known and communicated to me in your note of the 11th instant, as founded upon a want of "political tact" on his part, which had led to the declination of "a friendly power to receive him," I do not feel called upon to discuss, because it seems difficult to imagine the basis for such an objection to a gentleman who has as yet never been in Europe nor held official relations to any foreign state.

The "domestic relations" of Mr. Keiley, somewhat obscurely alluded to, are, I suppose, objectionable to His Majesty's Government on the ground contained in Count Kalnoky's telegram of May 8, namely, his being "wedded to a Jewess," the effect of that having been stated by the same high source as rendering his residence at the court of Austria-Hungary "untenable and even impossible."

Having stated in my note to you of the 18th May the full recognition by the Government of the United States of the right of a foreign power to exercise its own high and honorable discretion as to the reception of an envoy from this Government, it does not seem necessary to repeat anything on that score, but I beg leave to draw your attention to the closing paragraph of your note of the 11th instant, stating the repeated wish of your Government that Mr. Keiley may not arrive in Vienna "just now," and to inquire whether this expression is intended temporarily to delay Mr. Keiley's presentation at Vienna, or is to be taken as constituting a final refusal to receive him at any time.

Accept, &c.,

T. F. BAYARD.

BELGIUM.

No. 37.

Mr. Fish to Mr. Bayard.

[Extract.]

No. 349.]

LEGATION OF THE UNITED STATES,
Brussels, August 2, 1885. (Received August 15.)

SIR: I had this afternoon a visit from Count de Borchegrave d'Alténa, the King's secretary, who said that the King, having taken the title of Sovereign of the Independent State of the Congo, and that State having as yet no diplomatic agents accredited abroad, he had been charged by the King to inform me that Mr. Edmond van Eetvelde has been appointed administrator-general of the department of foreign affairs of the Independent State of the Congo. He said that owing to the fact that the relation of the new State and Belgium being exclusively personal, he, as the King's secretary, had been charged with the mission of making Mr. van Eetvelde's appointment known to me, with the request that I would communicate it to you, and also to request me to transmit an original letter to the President from the King notifying the latter's assumption of the title of Sovereign of the Independent State of the Congo, of which he furnished me with an office copy as well as the original.

Count de Borchegrave also left with me two open letters addressed to you by Mr. van Eetvelde, one notifying you of his appointment and the second giving you the official guarantee of the neutrality of the new State and defining its limits in accordance with the general act of the recent conference at Berlin.

* * * * *

I transmit herewith the originals and translations of all the documents, excepting Count de Borchegrave's letter to me, of which I inclose a copy and translation. They are duly enumerated in the list of inclosures. I have only to add that I believe this method of making the communication has been chosen in order to more fully mark the distinction between the new title and that hitherto borne by the King.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 349.—Translation.]

The King to the President.

AUGUST 1, 1885.

VERY DEAR AND GREAT FRIEND: The Government of the Republic of the United States of America was pleased to recognize the flag of the International Association of the Congo as that of a friendly nation. At the time of the signing of the general act of the conference of Berlin, the president and the members of that high assembly, on receiving the adhesion of the Association to the acts of the conference, manifested their sympathy for its enterprise. To-day that the position of the Association is fixed in an international point of view, that its territorial constitution is established, and that its mission has received valuable encouragements, I am prepared to bring to your notice and to that of the Republic of the United States of America that the possessions of the International Association of the Congo will hereafter form the Independent State of the Congo. I have at the same time the honor to inform you and the Government of the Republic of the United States of America that, authorized by the Belgian Legislative Chambers to become the chief of the new State, I have taken, in accord with the Association, the title of Sovereign of the Independent State of the Congo.

The union between Belgium and that State will be exclusively personal. The new State, I am firmly convinced, will fulfill the expectations of those powers which have in a measure greeted in advance its entry into the family of nations. I shall endeavor to guide it in that course, and I entertain the hope that you will be pleased, as well as the Government of the Republic of the United States of America, to facilitate my task by giving a favorable reception to the present notification.

I eagerly seize this occasion to offer you the expression of the high esteem and of the inviolable friendship with which I am,

Very dear and great friend, your sincere friend,

LEOPOLD.

EDM. VAN EETVELDE,

*Administrator-General of the Department of Foreign Affairs
of the Independent State of the Congo.*

OSTEND, August 1, 1885.

[Inclosure 2 in No. 349.—Translation.]

Count de Borchegrave to Mr Fish.

THE PALACE.

Brussels, August 1, 1885.

MR. MINISTER: The King charges me to inform you that His Majesty has named Mr. Edmond van Eetvelde as administrator-general of the department of foreign affairs of the Independent State of the Congo.

His Majesty will be obliged to you to kindly convey to your Government the fact of this choice, and to transmit to it the inclosed letter of the administrator-general.

I beg you, &c.

The Secretary of the King :

COUNT P. DE BORCHEGRAVE D'ALTÉNA.

[Inclosure 3 in No. 349.—Translation.]

Mr. van Eetvelde to Mr. Bayard.

BRUSSELS, August 1, 1885.

MR. SECRETARY OF STATE: I have the honor to inform you that the King, Leopold II, Sovereign of the Independent State of the Congo, has deigned to name me administrator-general of the department of foreign affairs of that State.

I shall be happy to see established between the Government of the new State and the Government of the United States of America agreeable relations equally profitable to the interests of both countries, and I shall neglect nothing on my part to stamp them with this double character.

Expressing the hope that you will be pleased to grant me your kind confidence, I eagerly seize this first occasion to offer you, Mr. Secretary of State, the assurances, &c.

EDMOND VAN EETVELDE.

[Inclosure 4 in No. 349.—Translation.]

Mr. van Eetvelde to Mr. Bayard.

AUGUST 1, 1885.

The undersigned administrator-general of the department of foreign affairs of the Independent State of the Congo is charged by the King, sovereign of that State, to inform Mr. Bayard, Secretary of State at Washington, that in conformity with article 10 of the general act of the conference of Berlin, the Independent State of the Congo hereby declares itself perpetually neutral, and claims the advantages guaranteed by chapter III of the same act, at the same time that it assumes the duties which neutrality imposes. The district of the neutrality will apply to the territory of the Independent State of the Congo, included in the limits resulting from the treaties successively concluded by the International Association with Germany, France, and Portugal, treaties notified to the conference at Berlin and annexed to its protocols, and which are thus determined, viz:

On the north.—A straight line drawn from the Atlantic Ocean and joining the mouth of the river which runs into the sea at the south of the bay of Cabinda near Ponta Vermelha to Cabo Lombro;

The parallel of this last point prolonged to its intersection with the meridian of the confluent of the Culacalla with the Luculla;

The meridian thus determined to its meeting with river Luculla;

The course of the Luculla to its confluence with the Chiloango (Luango Luce);

The Chiloango River from the mouth of the Luculla to its most northern source;

The (*crête de partage*) dividing line of the waters of the Niadi Quillon and of the Congo, to beyond the meridian of Manyanga;

A line to be determined and which, following as much as possible a natural division of the ground shall terminate between the station of Manyanga and the cataract of Ntombo Mataka, at a point situated on the navigable portion of the river;

The Congo as far as Stanley Pool;

The median line of Stanley Pool;

The Congo to a point to be determined on the river above Licona Nkundja;

A line to be determined from this point to the seventeenth degree of east longitude from Greenwich in following, as far as possible, the line of the watershed of the basin of the Licona Nkundja;

The seventeenth degree of east longitude from Greenwich to its junction with the fourth parallel of north latitude.

The fourth parallel of north latitude to its junction with the thirtieth degree of longitude east from Greenwich.

On the east.—The thirtieth degree east from Greenwich to the height of $1^{\circ} 20'$ of south latitude.

A straight line drawn from the intersection of the thirtieth degree of east longitude with the parallel of $1^{\circ} 20'$ of south latitude to the northern extremity of Lake Tanganyka;

The median line of Lake Tanganyka;

A straight line drawn from Lake Tanganyka to Lake Moero along $8^{\circ} 30'$ of south latitude;

The water course which unites Lake Moero with Lake Bangweolo;

The western bank of Lake Bangweolo.

On the south.—A line drawn from the southern extremity of Lake Bangweolo to its meeting the twenty-fourth degree of longitude east from Greenwich, and following the dividing line of the waters (*crête de partage*) between the waters of the Congo and those of the Zambesi;

The dividing line of the waters which belong to the basin of Kassai between the twelfth and sixth parallels of south latitude;

The sixth parallel of south latitude to its point of intersection with the Quango;

The course of the Quango as far as its meeting with the parallel of Nokki;

The parallel of Nokki as far as its meeting the meridian which passes through the mouth of the river Uango-Uango;

The course of the Congo from the confluence of the Uango-Uango to the sea.

On the west.—The Atlantic Ocean between the mouth of the Congo and the river which flows into the south of the bay of Cabinda, near Ponta Vermelha.

EDMOND VAN EETVELDE.

BRUSSELS, August 1, 1885.

No. 38.

Mr. Bayard to Mr. Tree.

No. 5.]

DEPARTMENT OF STATE,

Washington, September 11, 1885.

SIR: Mr. Fish's No. 349, of the 2d ultimo, transmits certain documents received through Count de Borchegrave d'Alténa, the King's secretary, concerning the assumption by His Majesty King Leopold II of the sovereignty of the Independent State of the Congo, and the appointment of Mr. Edmond van Eetvelde as the medium of diplomatic communication on the part of that State with other Governments.

The President having been for some weeks absent from the seat of Government, it has not been practicable to convey to him, until his return hither, the autograph letter of His Majesty announcing the assumption of the title of Sovereign of the Independent State of the Congo. I have now the pleasure to transmit, herewith, the autograph reply of the President, with the request that you will cause the same to reach His Majesty's hands through the proper channel, to which you will apply for that purpose. In this connection due notice is taken of the declaration that the relation between the new State and Belgium is "exclusively personal," by which it is understood that His Majesty in assuming the sovereignty acts for himself alone, and not as creating a dependency of the State of the Congo upon the Crown of Belgium.

I also transmit my sealed reply to Mr. van Eetvelde's letter, of 1st of August, announcing his appointment to be administrator general of the department of foreign affairs of the Independent State of the Congo. This reply operates as a full recognition of and entrance upon diplomatic relations with the new State as a member of the family of nations. An office copy of my letter is inclosed, of which you will retain a transcript on the files of your legation.

In addition to these, I transmit with office copy my letter in acknowledgement of the receipt of Mr. van Eetvelde's notification of the neutrality and boundary limits of the said Independent State.

It is observed that Mr. van Eetvelde informs me that—

In conformity with the tenth article of the general act of the conference of Berlin, the Independent State of the Congo, by these presents, declares itself forever neutral, and that it claims the advantages guaranteed by the third chapter of the said act; at the same time assuming the obligations which pertain to neutrality [and further that]: The *régime* of neutrality will be applied to the territory of the Independent State of the Congo comprised within the boundaries which appear from the treaties successively concluded by the International Association [of the Congo] with Germany, France, and Portugal, and which treaties have been notified to the conference of Berlin and annexed to the protocols thereof.

Mr. van Eetvelde's letter thereupon recites the boundaries in question.

As you are aware, the Government of the United States, in authorizing the attendance of Mr. Kasson as a delegate to the conference of Berlin, and of Mr. Sanford as an associate delegate, did so under expressed reservations, among which was the understanding that those gentlemen were without plenipotentiary powers, and that this Government, in its sovereign discretion, reserved wholly the right thereafter to accede or withhold its accession to the results of that conference.

It appears, however, that their signatures were attached to the general act in the same manner as those of the plenipotentiaries of other Governments, and that the United States are thus made to appear as signatories to a general international treaty, imposing on the signatories

a common duty in respect of the conservation of the territorial integrity and neutrality of distant regions where this Government has no established interests or control of any kind.

This Government does not, however, regard its prior and entire reservation of liberty of action in the premises as at all thereby impaired. And until the United States shall, by subsequent accession and ratification of the general act of the conference of Berlin in the manner therein provided, and according to their constitutional forms, become a party to the stipulations thereof, it will be impossible to determine the due and proper weight to be given by this Government to the declaration and claim which is thus communicated by Mr. van Eetvelde on behalf of the Independent State of the Congo. But this reservation is wholly distinct from the recognition of the sovereign status of the Independent State of the Congo, which does not rest upon the conventional arrangements contemplated by the conference of Berlin.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 5.]

President Cleveland to His Majesty King Leopold, Sovereign of the Independent State of the Congo.

ESTEEMED AND GREAT FRIEND: I have had much pleasure in receiving your Majesty's letter of the 1st of August last, announcing that the possessions of the International Association of the Congo will henceforth form the Independent State of the Congo, and that your Majesty, under the authorization of the Belgium Legislative Chambers, and in accord with the Association, has assumed the title of Sovereign of the Independent State of the Congo. I observe your Majesty's further statement that the convention between Belgium and the new State is exclusively personal. This Government at the outset testified its lively interest in the well-being and future progress of the vast region now committed to your Majesty's wise care, by being the first among the powers to recognize the flag of the International Association of the Congo as that of a friendly State; and now that the progress of events has brought with it the general recognition of the jurisdiction of the Association, and opened the way for its incorporation as an independent and sovereign State, I have great satisfaction in congratulating your Majesty on being called to the chief magistracy of the newly-formed Government. The Government and people of the United States, whose only concern lies in watching with benevolent expectation the growth of prosperity and peace among the communities to whom they are joined by ties of friendship, cannot doubt that under your Majesty's good government the peoples of the Congo region will advance in the paths of civilization, and deserve the good will of all those states and peoples who may be brought into contact with them.

I am, my esteemed and great friend, your faithful friend,

GROVER CLEVELAND.

Done at Washington this 11th day of September, 1885.

By the President:

T. F. BAYARD,
Secretary of State.

[Inclosure 2 in No. 5.]

Mr. Bayard to Mr. van Eetvelde.

DEPARTMENT OF STATE,
Washington, September 11, 1885.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st ultimo, in which you are pleased to proffer, through me, to the Government of the United States of America an official guarantee of the neutrality of the newly-constituted Independent State of the Congo, and whereby you acquaint me with the boundary demarkation of the new State.

I observe that this proffered guarantee of neutrality is made by you in conformity with article 10 of the general act of the conference of Berlin.

The Government of the United States having been represented by delegates in that conference under the expressed reservation of the right, in its sovereign discretion, thereafter to accede or withhold its accession to the results of its deliberations, it will not be possible for me to determine the due and proper weight to be given by this Government to the declaration and territorial claim thus communicated by you on behalf of the Independent State of the Congo, so far as such declaration and claim rest on the provisions of the general act, until the United States shall, by subsequent accession and ratification of the said general act of the conference of Berlin, in the manner therein provided and according to their constitutional forms, become a party to the stipulations thereof.

The relationship of cordial recognition and earnest good will heretofore initiated by the Government of the United States toward the International Association of the Congo, and now confirmed and, I trust, perpetuated in respect of the new independent State which succeeds to that Association, is, however, complete of itself and apart from any conventional relationship flowing from or defined by the general act of the conference of Berlin, and the obligation to respect the precepts of neutrality and friendly intercourse is held by the Government of the United States to be as perfect toward the Sovereign and Independent State of the Congo as toward any and all sovereignties with which the United States maintain friendship and intercourse.

Accept, sir, &c.,

T. F. BAYARD.

[Inclosure 3 in No. 5.]

Mr. Bayard to Mr. van Eetvelde.

DEPARTMENT OF STATE,
Washington, September 11, 1885.

SIR: I have had the honor to receive your letter of the 1st ultimo, whereby you are pleased to inform me that His Majesty King Leopold, Sovereign of the Independent State of the Congo, has conferred upon you the office of administrator-general of the department of foreign affairs of that State.

In furtherance of the good will and amity which the Government has heretofore testified toward the organization of the independent tribes of the Congo Basin, under a common system of administration, and which it equally bears, now that the Government of the Independent State of the Congo has taken rank among the sovereign communities of the world, it will be my aim and my gratification to maintain and strengthen by all means in my power the most agreeable and lasting good relationship between the United States and the newly constituted State of the Congo.

I embrace, &c.,

T. F. BAYARD.

No. 39.

Mr. Tree to Mr. Bayard.

[Extract.]

No. 5.]

LEGATION OF THE UNITED STATES,
Brussels, October 20, 1885. (Received November 4.)

SIR: Referring to your instruction No. 5, bearing date September 11, 1885, I have the honor to state that yesterday I addressed a note to Mr. Edmond van Eetvelde, requesting him to indicate a time when I might call upon him to deliver the two sealed letters from you addressed to him, and also informing him that at the same time I should have the honor of handing him a copy of the autographic sealed letter from the President of the United States to His Majesty Leopold, Sovereign of the Independent State of the Congo, with a view of arranging the channels through which I could cause the original letter of the President to reach His Majesty's hands.

I received a reply from Mr. van Eetvelde the same evening, informing me that he would be very much pleased to see me this afternoon. I ac-

cordingly called upon him to-day at the hour indicated and delivered your two sealed letters and also the copy of the President's letter, requesting him to advise me how I should cause the original to be conveyed to His Majesty's hands. He promised to take the orders of the King and advise me at an early date.

The conversation which ensued was almost entirely with reference to the character of the country of the Congo and its productions. He, Mr. van Eetvelde, mentioned that his Government had completed arrangements for a postal service there; that the men, wagons, and machinery necessary for such service had already been shipped, and that it would be in operation by the 1st of January.

He also said that a scheme for a judicial system for the country was nearly perfected, which embraced a penal code and the establishment of courts at Banana and Vivi; that this judicial system would probably be complete within three weeks; that a department of the interior was being organized, and that the Government hoped before long to show some results.

In the mean time he expressed the hope that the Government of the United States would be indulgent (I use his words) to the new Government, which had many difficulties to contend with in its efforts to plant civilization in that quarter of the globe. All of the conversation was of this general character.

* * * * *

I have, &c.,

LAMBERT TREE.

No. 40.

Mr. Tree to Mr. Bayard.

No. 7.]

LEGATION OF THE UNITED STATES,
Brussels, October 26, 1885. (Received November 9.)

SIR: Referring again to your instruction No. 5, I have the honor to state that on Saturday evening, October 24, I received a note from Mr. Edmond van Eetvelde, administrator-general of the department of foreign affairs of the Independent State of the Congo, informing me that His Majesty would receive me at the Palace of Brussels this afternoon at half past 2 o'clock, to take from my hands the autograph letter of President of the United States, addressed to His Majesty Leopold, Sovereign of the Independent State of the Congo.

I therefore drove to the palace at the hour designated, and was immediately received by His Majesty, to whom I handed the letter of the President, and said to him at the same time, following substantially the language of your instruction No. 5 to me, that owing to the absence of the President for several weeks from the seat of Government it was not practicable to convey to him the autograph letter of His Majesty announcing the assumption of the title of Sovereign of the Independent State of the Congo until the President's return to Washington.

His Majesty said that it gave him great pleasure to receive the letter from the President. That he had seen the office copy of the President's letter which I had delivered to Mr. van Eetvelde, so that he already knew its contents, and that it was quite true, as the President had said, that the Government of the United States was the first of the powers to recognize the flag of the International Association of the Congo as

that of a friendly state. He also said that he hoped the Government and people of the United States would not be impatient and expect too much from the new Government in a short time. That much work had been already done, but for obvious reasons they could not proceed very rapidly. He also spoke of a project for building a railroad around the falls and rapids of the Congo, which as yet, however, had not taken definite shape. He said he was extremely interested in the work of carrying civilization into that distant part of the world, and hoped that in time a large trade would grow up with the Congo country.

I listened attentively, and told His Majesty I would take great pleasure in communicating to my Government what he had said to me. The conversation then became more general, and I remained with His Majesty about three-quarters of an hour. He was extremely cordial, as he had been on the two former occasions when I had the honor of being received by him.

I have, &c.,

LAMBERT TREE.

CORRESPONDENCE WITH THE LEGATION OF BELGIUM AT WASHINGTON.

No. 41.

Mr. de Bounder to Mr. Bayard.

[Translation.]

LEGATION OF BELGIUM,
New York, June 19, 1885. (Received June 22.)

SIR: The first part of section 14 of the act of Congress of June 26, 1884, "to remove certain burdens on the merchant marine," has modified the rate of and the manner of collecting the tonnage duty; that duty is now 6 cents per ton for vessels coming from ports other than those of Central and North America, from Mexico, Colombia, and from the British possessions, and 3 cents for vessels coming from ports situated in these latter countries, while it is not to exceed, in the former case, 30 cents per ton per annum for the same vessel, and 15 cents in the latter case.

According to Article XII of the treaty of 1875 between the United States of America and Belgium, any favor or immunity, any privilege in matters relating to customs or navigation that shall be granted by the United States Government to another State, shall be *immediately* granted to the subjects of Belgium, gratuitously if the favor is gratuitous, and on the same compensation or its equivalent being given if the favor is conditional.

Now this reduction to 3 cents for vessels coming from a given zone is categorical and absolute; it constitutes a general favor, granted gratuitously and unconditionally, to certain specified countries; it consequently should have been made to apply to vessels coming from Belgium as soon as the act of June 26, 1884, went into operation.

Nevertheless, Belgian owners of steamers plying between Belgium and the United States of America complain that the duty of 6 cents per ton is still required on their vessels.

It will be sufficient, I am sure, for me to call your excellency's attention to this fact to induce you to request your honorable colleague of the Treasury Department to issue orders to the end that vessels coming from Belgium may be assimilated, as regards the payment of tonnage dues, to those coming from Central and North America.

By the second paragraph of the fourteenth section of the aforesaid act of June 26, 1884, the President is authorized to reduce and even to suspend the collection of the tonnage duty in the case of vessels coming from ports situated within the zone indicated, but this suspension or reduction is made subject to certain conditions; and proclamations issued by the President on the 31st of January and the 7th of August last removed all duties on vessels coming from certain ports situated within the zone in question, because no tonnage or light-house dues were collected in those ports. I avail myself of this occasion to beg your excellency to be pleased to inform me what documents my Government will have to produce in order to secure, *the case arising*, the same advantage for vessels coming from Belgium.

Thanking your excellency in advance for your mediation and good offices, I have, &c.,

TH'RE. DE BOUNDER DE MELSBROECK.

No. 42.

Mr. Bayard to Mr. de Bounder.

DEPARTMENT OF STATE,

Washington, November 7, 1885.

SIR: I had the honor to receive in due season your note of June 19 last, touching the application of the provisions of the fourteenth section of the shipping act approved June 26, 1884, in respect of the collection of tonnage tax, to vessels of Belgium coming from ports of that country to ports of the United States, under the "most favored nation" clause of the existing treaty of 1875 between the United States and Belgium.

The importance of the questions involved in the claim of the Belgian Government, and in like claims preferred by other Governments, has led to the submission of the entire subject to the judgment of the Attorney-General.

The conclusions of the Department of Justice, after a careful examination of the premises, are that—

The discrimination as to tonnage duty in favor of vessels sailing from the regions mentioned in the act, and entered in our ports is, I think, purely geographical in character inuring to the advantage of *any* vessel of *any* power that may choose to fetch and carry between this country and any port embraced by the fourteenth section of the act. I see no warrant, therefore, to claim that there is anything in the "most favored nation" clause of the treaty between this country and the powers mentioned that entitles them to have the privileges of the fourteenth section extended to their vessels sailing to this country from ports outside of the limitation of the act.

These conclusions are accepted by the President, and I have, accordingly, the honor to communicate them to you as fully covering the points presented in your note of the 19th of June last.

Accept, &c.,

T. F. BAYARD.

CENTRAL AMERICA.

No. 43.

Mr. Hall to Mr. Frelinghuysen.

[Extract.]

No. 309.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA, .*Guatemala, January 15, 1885. (Received February 9.)*

SIR: I beg leave to inclose herewith, and to invite your attention thereto, three letters from Mr. Sarg, the consular agent of the United States at Livingston, addressed to Mr. Whitehouse.

Mr. Sarg reports that there are numbers of destitute foreigners at that place, all, or nearly all, of whom have come from New Orleans, some of them engaged by verbal contract to work on the projected railroad from the west coast of Guatemala to this capital; others have gone there ostensibly in search of work. Doubtless among these there are many of the tramp class who never look for work with the expectation of finding it; but there is no doubt as to their general destitution and suffering from want and privation. * * * Many of these unfortunate persons are reported to have died for want of proper attention in sickness.

I called to-day on the minister for foreign affairs, Mr. Cruz, and gave him these letters to read. I asked that the authorities at Livingston be instructed, so far as in their power, to render relief to these destitute persons, and to that end to co-operate with the consular agent. He has promised to bring the subject to the notice of the President, but I look for no efficient measures from them.

I respectfully suggest that a naval vessel be sent to Livingston; that the commander be instructed to investigate the reports of the consular agent, and to take back to New Orleans such American citizens as are found to be really destitute and desire to return. I have no means of knowing how many there may be; but, from the estimates that have been made me, I imagine there are from three to five hundred persons out of employment and destitute.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 309.]

*Mr. Sarg to Mr. Whitehouse.*UNITED STATES CONSULAR AGENCY,
Livingston, December 5, 1884.

SIR: Your No. 14 was received on the 30th ultimo. I confess that I have allowed myself to be completely misled by the jefe politico, as regards the sanitary condition at the hospital at Santo Tomas. In the early part of November I spoke to him on this matter. He then told me that there was a good hospital at Santo Tomas; that a Government doctor was attending the sick, and that no American citizens had died, either at Santo Tomas or on the line. I told him that I should require a regular weekly sanitary report on both places, and a record of such as die, and in case he could not furnish me with such, I should have to report it to my consulate, which might tend to cut off further communication by American vessels with Port Barrios and Santo Tomas

on the ground that the sanitary condition of those places could not be proved satisfactory. I was unable to impress upon his mind the importance of this question, either as to how far it would inconvenience the Guatemala Government or affect the interest of the United States.

I spent the 3d and 4th of the month on a personal inspection of Santo Tomas and Port Barrios.

The Santo Tomas hospital is a common leaf-covered shed of the meanest description, but the patients have been taken out that morning to Port Barrios, as the railroad contractors have now engaged a medical man, a Dr. Pawlett. I have heard accounts, repulsive beyond description, of the want of care, and the scant attention bestowed on the unfortunate men of all nationalities who were brought there to lie on the bare, damp ground, without proper food or attendance. How many had died there I could not ascertain, but I inclose a list of ten men given to me by Captain Mitford, the Guatemalan Government railroad agent, who corroborated all accounts I had heard, and assured me that he had reported on this matter to the direction-general at Guatemala, which took no notice of such complaints.

I passed on to Port Barrios and invited the comandante and the alcalde to accompany me to inspect the new hospital. This is a large, open shed, about a mile distant from the landing, with a board roof, affording shelter to about fifty men. Dr. Pawlett, the physician, here presented himself; told me he had been on the place but two days; that the shed was a temporary hospital, and that a permanent hospital would be erected; that food, medicine, and attendance were furnished by the contractors. I then asked the doctor to step outside while I catechised every single patient. They were content with the change to the new quarters; said that they liked the new doctor, but that the food was scant and poor. With but one exception they had nothing coming to them from the contractors, but were in debt. Those that had no blankets complained of cold at night. How many had died at Port Barrios and in the camp up the line, no one could account for; but from what I could hear, some twenty-five or thirty must have died.

Many of the men clamored to have me go up the line into the distant camps to see for myself how badly they were fed and housed. All of these men have come here merely on verbal agreement, and, as soon as landed, they owe the contractor \$16 for their passage.

I do not believe that more than half of the men are United States citizens, although they nearly all claim to be such.

The men complain that the weather has been so bad they have not been able to work and clear themselves from debt; that the food, salt provisions, does not agree with them, giving them diarrhoea; that there is no regular pay-day; that the contractors do not pay in cash, but in checks, which are not exchangeable into money, and are only received at the contractor's store in exchange for goods; that the prices of the goods are exorbitant; that an itemized account of such goods is refused; that they vainly apply for redress to the comandante of the place, as they cannot find an interpreter.

The contractors complain that many men come out who are absolutely physically unfit for the labor expected of them; that men will smuggle themselves over affected with a chronic complaint that requires immediate care; that many of the men are tramps who feign sickness, and that a great number have run away owing for their passage and a considerable store bill.

I told the contractors and subcontractors that I should make a minute report of what I had heard and seen, and drew their attention to the fact that the constitution of Guatemala requires every foreigner arriving to conform to the laws of the country; that it was my duty to see that Americans were not injured by the non-compliance with such laws whenever they protected their interests, and the National Board of Health expected me to exert the greatest vigilance as to the sanitary condition of the ports at which the outbreak of an epidemic could be avoided only by the greatest care; that I should require a register of United States citizens as previously intimated, also a weekly hospital report, with specifications of the diseases from the doctor (whom I will put under oath) and that notice of the death of any man on the line be given to the comandante and alcalde, interment deferred until the body has been inspected by one of the officials, and that I shall exact the application of the legal fine for every case of remissness under this head. (I have heard sundry stories of men being kicked, beaten, and even shot at, and have thought myself justified in putting this point forward.)

I have also told them that I shall have to uphold the men if they claim an account-book, because the law prescribes one to be given every man; if they claim to receive cash for their labor instead of store tickets, and if they claim a fixed pay-day every week.

The question arises what is to be done with the men who are not so sick as to warrant hospital, yet so weak that they can do no work, have absolutely no means of subsistence, and yet cannot leave the place because they are in debt.

I await your approval of the measures I have taken, and your orders to change them if you deem it expedient.

I beg to add that sanitary precautions are one-sided as long as vessels running to ports in the United States do not call for bills of health, and I take this opportunity to cover my responsibility.

I am, &c.,

JAMES F. SARG.

UNITED STATES CONSULAR AGENCY,
Livingston, December 5, 1884.

H. REMSEN WHITEHOUSE, Esq.,
United States Consul-General, Guatemala :

SIR: As advised in my No. 11, I beg to hand you a list of the men who died at the hospital of Santo Tomás during the month of November of this year. It is supposed that they were United States citizens, although nothing definite is known. No personal effects were left by them. (1) Andrew McCullen, (2) David Flanigan, (3) Francis Smith, (4) William Watts, (5) Henry Higgins, (6) Pat Conelly, (7) George Anderson, (8) Josef Boegel, (9) Mike Lynch, (10) Josef Krichreuther.

I am, &c.,

JAMES F. SARG.

[Inclosure 2 in No. 309.]

Mr. Sarg to Mr. Whitehouse.

UNITED STATES CONSULAR AGENCY,
Livingston, Guatemala, January 7, 1885.

SIR: * * * My position is becoming somewhat precarious for the want of instructions. I fully comprehend the necessity of avoiding as far as possible a collision with the local authorities, from which would result either a disagreeable interpolation of the Guatemalan Government or a disavowal of my action; at the same time I deeply regret that I am often unable to give the protection to the interests of United States citizens that is applied for.

A regulation for consular interference is urgently required for the estates of the United States citizens deceased, particularly of those who die at Port Barrios and on the railroad line.

The steamer *Blanche Henderson*, from New Orleans, brought one hundred and twelve men to Port Barrios yesterday. The captain assured me that when his ship was brought alongside the wharf at New Orleans, there was such a press of men over and above the number engaged that they were obliged to drive them off the ship with clubs, and in spite of this twelve stowaways appeared after they got out to sea. I have not received a register of these men, nor do I expect the contractors will send me one.

Livingston is crowded with destitute and sick men coming from Port Barrios. I listen to their complaint for entire days, and do all in my power for them, yet I am unable to afford the relief which many believe they are entitled to at the hands of the consul.

Also at Belize, I hear, there are numbers of these men on the street.

Yours, &c.,

JAMES F. SARG.

No. 44.

Mr. Hall to Mr. Frelinghuysen.

No. 311.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,

Guatemala, January 22, 1885. (Received February 17.)

SIR: With my dispatch, No. 309, of the 15th instant, I transmitted copies of letters from Mr. Sarg, the consular agent of the United States at Livingston, wherein he reports that there are numbers of destitute foreigners at that place and at others on the Atlantic coast of Guate-

mala, who have gone there seeking work on the projected railroad. From subsequent information from the same source, and from a number of the persons referred to who have found their way across the country to this city, I learn that all, or nearly all, claim to be citizens of the United States, and many that I have conversed with are beyond doubt native citizens. They confirm the reports hitherto received as to the destitution and sufferings of the laborers, of the inadequate hospital accommodations and attendance for the sick, and of the daily mortality among them.

In view of these reports, and as an act of humanity, I deemed it my duty to communicate the statements as I have received them to you by cable for any action the Government may be pleased to take, and repeating the suggestion contained in my No. 309, that a naval vessel be sent to Livingston to inquire into the facts and to convey the worthy destitute who may desire to return to New Orleans, whence they came.

I have, &c.,

HENRY C. HALL.

No. 45.

Mr. Hall to Mr. Frelinghuysen.

No. 314.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,

Guatemala, February 5, 1885. (Received February 28.)

SIR: With reference to my dispatches, numbered 309 and 311, of the 15th and 22d ultimo, relating to the reported destitution and sickness among American laborers on the Atlantic coast of Guatemala, I now inclose a copy of another letter from the consular agent of the United States at Livingston, to which I respectfully invite the Department's attention; at the same time I would repeat the suggestion I made in the above-mentioned communications in regard to sending, if practicable, a vessel of the United States to Livingston, to convey the destitute who may desire to return to New Orleans, whence they came.

I have, &c.,

HENRY C. HALL.

[Inclosure in No. 314.]

Mr. Sarg to Mr. Whitehouse.

CONSULAR AGENCY OF THE UNITED STATES,
Livingston, January 28, 1885.

SIR: I beg to advise you of the death of Robert Smith, a United States citizen, who died here on the 25th instant from the effects of fever and general debility. His home is supposed to be at Lake Park, Iowa. No personal effects forthcoming.

The steamship *Ellie Knight* touched here on the evening of the 6th instant from Port Barrios, where she had taken up a crowd of the sick and distressed laborers to be carried to New Orleans. There may have been sixty, more or less.

From this port a large party of these unfortunates have now struck out for Belize, and in consequence the governor of that colony has put the vagrant act into execution. All landing without visible means of support have the option of taking Government labor at \$1 per day, or to go to jail for one week as vagrants, expenses of confinement to be exacted afterwards by forced labor.

Matters at Port Barrios and on the line of the railroad, as far as they concern the laborers, have remained without a change. I receive no sanitary report, nor do I believe that any record whatever is kept of those who die. The numbers of those who

come to bring complaints has become small, not that the causes have been abolished, but that they have begun to find out that it is utterly useless to make complaint against Messrs. Shea, Cornick & Co.

The depression in manufacturing interests in the United States and the vain hope of finding labor in New Orleans at the exposition grounds, has tended to accumulate in that city thousands of men who seem ready to accept any kind of proposition for labor, no matter where or under what circumstances.

I am, &c.,

JAMES F. SARG.

No. 46.

Mr. Hall to Mr. Frelinghuysen.

No. 316.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,

Guatemala, February 10, 1885. (Received March 6.)

SIR: On the 28th ultimo I was informed that the Nicaraguan Government proposed to arrest and remove from on board of the Pacific Mail Company's steamer Honduras, then lying in the port of San Juan del Sur, a passenger in transit for Panama. No other particulars were given me, except that the passenger in question was a Nicaraguan named José Dolores Gomez, and that he was one of those who were implicated in the recent insurrectionary movement in Nicaragua, which I reported to the Department in my No. 254, of the 3d of September ultimo, from Managua. Gomez had been ordered to the Mosquito Reserve; from there he came to Guatemala and embarked at San José, as I first understood for Panama, but have since learned that it was for Punta Arenas.

Upon learning of the attempt referred to, I instructed our consul at Managua by telegraph "to say respectfully to the Nicaraguan minister for foreign affairs that our Government has never consented, and will never consent to the arrest and removal from an American vessel in a foreign port of any passenger in transit, much less if the offense is political."

I had in mind the many cases of this kind which occurred at Havana during the Cuban insurrection and in every case, with one exception, where the Department was consulted as to the surrender of the party, a negative answer was returned.

The exception was that of one Olivares, who was charged with the crime of assassination.

A similar case to that of Gomez occurred at the port of San José de Guatemala, and was reported to the Department by the consul-general, Mr. Whitehouse, in August last, during my absence.

It seems desirable that there should be more definite instructions for such cases; under certain circumstances there can be no doubt as to the right to arrest a person who, like Gomez, voluntarily enters the jurisdiction of a state whose laws he has violated, even should he be in transit for another state and on board of a foreign vessel.

I inclose a letter from the consul at Managua transcribing a telegram he received from the minister for foreign affairs of Nicaragua, and reporting other particulars in regard to the case of Gomez.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 316.—Cablegram.]

*Mr. Hall to Mr. Leavitt.*GUATEMALA, *January 28, 1885.*

Reported here arrest of a transit passenger bound to Panama, on board steamer Honduras, at San Juan del Sur. Say respectfully to Nicaraguan minister foreign affairs that our Government never has consented and never will consent to the arrest and removal from an American vessel in a foreign port of any passenger in transit, much less if offense is political.

HALL.

[Inclosure 2 in No. 316.]

*Mr. Leavitt to Mr. Hall.*UNITED STATES CONSULATE,
Managua, Nicaragua, February 3, 1885.

SIR: I have the honor to acknowledge the receipt of your telegram of the 28th ultimo. At the time the message was delivered in Managua I was in Leon. While in Leon, on the evening of the 27th, I received the following telegram from Mr. Castellon:

"Government has ordered the commander of port San Juan del Sur to arrest José Dolores Gomez, a fugitive prisoner, who is on board of the steamer Honduras, now *en route* to that port. I suppose the captain will not interfere with the action of the commander, but to avoid whatever difficulty likely to arise, I request you to send a telegraphic message to the captain of the Honduras at San Juan del Sur, stating that the order has been issued by the Government and recommending him to support the commander, as there is no grounds on the part of the captain to hinder the execution of the Government's order.

CASTELLON."

I declined to send such a telegram. I returned to Managua immediately and found your telegram awaiting me. Mr. Castellon was absent from Managua, and to-day is the first opportunity I had of seeing him and informing him of your instructions to me. He requested me to send my instructions in writing. I did so, and sent the letter of which I inclose a copy. (Copied in continuation.)

I have learned that the Government requested the captain of the Honduras to deliver up Gomez, but he declined. He was then requested by the Government to go ashore. This he declined to do. He then was requested not to sail for twenty-four hours. This also he declined, and the Government alleges that he sailed in two hours without a license from the commandant of the port.

For these alleged offenses he, the captain, has been tried by the Nicaraguan Government and found guilty, but I have not yet been able to learn what sentence they have passed upon him. From the attitude of the Government, I am afraid they meditate some injury to the captain or his ship in case he returns.

I have tried, briefly, to outline the case and give the salient points.

* * * * *

I am, &c.,

H. H. LEAVITT.

[Inclosure in inclosure 2 in No. 316.]

*Mr. Leavitt to Mr. Castellon.*UNITED STATES CONSULATE,
Managua, Nicaragua, February 3, 1885.

SIR: In reply to your telegram of the 27th ultimo, and regarding the case of José Dolores Gomez, I have the honor to say that I am instructed by the minister of the United States in Central America "that the Government of the United States never has consented and never will consent to the arrest and removal from an American vessel in a foreign port of any passenger in transit, much less if the offense be political."

I am, &c.,

H. H. LEAVITT,
United States Consul.

No. 47.

Mr. Frelinghuysen to Mr. Hall.

No. 215.]

DEPARTMENT OF STATE,
Washington, February 11, 1885.

SIR: I have received your No. 309, of the 15th ultimo, relative to the reported destitution among foreign laborers, many of them said to be Americans, on the Atlantic coast of Guatemala, and have referred a copy of your dispatch to the Secretary of the Navy, to see if a vessel of war cannot proceed to Livingston, investigate the condition of affairs there, and take back to New Orleans any of our citizens who may really be in distress and desirous of returning.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 48.

Mr. Frelinghuysen to Mr. Hall.

No. 221.]

DEPARTMENT OF STATE,
Washington, February 27, 1885.

SIR: With reference to your No. 311, respecting the destitution among certain American citizens at Livingston, I have to inclose herewith, for your information, a copy of a communication of the 25th instant, from the Secretary of the Navy, from which it appears that Admiral Jouett, commanding the United States naval force on the North Atlantic station, has been authorized to send a vessel of his command to Livingston, with instructions to her commanding officer to confer with the consular agent at that place, and after ascertaining the condition of affairs among the destitute Americans, to take such steps for their relief, and to supply them with such food, clothing, and medical stores as he may deem necessary, and to transport such to New Orleans as he can accommodate on board and as may desire to return.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 221.]

*Mr. Chandler to Mr. Frelinghuysen.*NAVY DEPARTMENT,
Washington, February 25, 1885.

SIR: I have the honor to acknowledge the receipt of your communication of the 11th instant, inclosing a copy of a dispatch from Mr. Henry C. Hall, United States minister to the Central American States, concerning the reported destitution among certain American citizens at Livingston, and requesting that a vessel of war may be sent to that port to investigate the reports made by the consular agent there, and to take to New Orleans, from whence they came, such of the American citizens as are found to be really destitute and desire to return.

In reply, I beg to inform you that a copy of your letter, with inclosure from Mr. Hall, has this day been sent Rear-Admiral Jouett, commanding the United States naval force on the North Atlantic Station, authorizing him to send a vessel of his command to Livingston with instructions to her commanding officer to confer with the consu-

lar agent at that place, and after ascertaining the condition of affairs among the destitute Americans, to take such steps for their relief, and to supply them with such food, clothing, and medical stores as he may deem necessary, and to transport such to New Orleans as he can accommodate on board and as may desire to return.

I am, &c.,

W. E. CHANDLER.

No. 49.

Mr. Whitehouse to Mr. Frelinghuysen.

LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,
Guatemala, March 6, 1885. (Received March 31.)

SIR: In the absence of Mr. Hall, I have the honor to inclose herewith a copy and translation of a note received this day from the minister of foreign affairs, Señor Cruz, informing this legation of the decree issued by President Barrios, proclaiming the union of the Central American States into one republic under one military chief, which supreme command he himself assumes.

I cabled you to-day the following in regard to this action:

Central American Union proclaimed by decree of President Barrios.

The publication of the decree was unexpected and is causing considerable excitement. The crowd invaded the opera where the performance was in progress, and the decree was read from the stage amidst great applause.

Resistance on the part of Nicaragua, and especially Costa Rica, is anticipated, and due preparation for such a contingency is made.

The decree, of which I will send a copy by next mail, states that any person declaring against the Union shall be held a traitor to the great national cause, and shall be subject to the consequences and responsibility of the acts he may have executed.

Officers and officials who declare for the Union shall be advanced one grade in the army of the Central American Republic.

No treaties, foreign loans, or analogous stipulations arranged by the other States after the date of this decree (February 28th) shall be recognized.

I have just learned that the Presidents of Salvador and Honduras have declared for the Union.

As the mail leaves very shortly, I have no time for more details.

I am, &c.,

H. REMSEN WHITEHOUSE.

[Inclosure.—Translation.]

Señor Cruz to Mr. Hall.

GUATEMALA, *March 6, 1885.*

MR. MINISTER: I have the honor to transmit to you a copy of the decree in which the President of the Republic, in accordance with the desires of the peoples of Central America, proclaims the union of them all into one single republic, and, in order to effect this, assumes the position of supreme military chief and the attribute of absolute command as such till the successful union of the different sections into one single nation and under one single flag.

The realization of this grand thought, whilst fulfilling the most legitimate aspirations of all good Central American patriots, will facilitate and render more solid and

fruitful the friendly relations with the Governments of America and Europe, for it will assure peace, raise credit, offer more efficient guarantees to foreign immigration, and widen, the field for the development of industry and commerce.

In accomplishing the pleasing duty of advising you of this important step which has just been taken, I beg you, if you deem it well, to be kind enough to bring it to the knowledge of your Government, and with expressions of high esteem and respect, I subscribe myself, &c.,

FERNANDO CRUZ.

No. 50.

Mr. Whitehouse to Mr. Bayard.

LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,
Guatemala, March 8, 1885. (Received April 3.)

SIR: In my dispatch of the 6th instant I stated that Salvador and Honduras had sent their adhesion to President Barrios' decree, and I based this assertion on the assurances of one of the cabinet ministers. I now find I must moderate it.

Honduras immediately and unreservedly adhered, but President Zaldivar, of Salvador, vacillated, sending ambiguous telegrams of congratulations, but stating that it would be necessary for him to convoke his Congress and submit the matter to them.

This, as will be seen by the inclosed correspondence, President Barrios deems to be entirely unnecessary.

It is very generally expected that war will be declared within a few days.

Nothing has as yet been made public concerning the answers received from Nicaragua and Costa Rica.

I am, &c.,

H. REMSEN WHITEHOUSE.

[Inclosure.—Translation.]

President Barrios to President Zaldivar.

GUATEMALA, *March 8, 1885.*

Relying upon frequent assurances and promises which you and General Bogran gave me to stand by me in the endeavor of union, I communicated to you and to him, as also to Dr. Cardenas and General Fernandez with the same spirit the resolution adopted by me in the decree of the 28th ultimo. General Bogran and the Honduras people have replied patriotically and immediately to my invitation, giving their adhesion to my decree and proclaiming the grand country that I desire for Central America. Your Government does not reply, and I do not need to say why it does not, but I reckon, as you know, upon the power and the elements that are indispensable and upon the help of all good patriots of Central America, in order to realize the union, and I am bound and disposed to advance in the step I have taken, come what may.

With this view I to-day name General Menendez to take charge of the military command of the western department of Salvador to raise and uphold the flag of the Republic of Central America; and I hope that you, who in your telegram two days ago still say you are with me and will share my fate, will give prompt and efficient orders to recognize and obey General Menendez forthwith in his rank of delegate of the supreme military commander of Central America, which I am exercising.

I will add that I did not assemble Congress in order to issue my decree, in which I took such a great responsibility; that I informed it only because it met on the following day, and that the Congress of Honduras only took part because it happened to be in session, and that did not prevent General Bogran from forthwith giving his adhesion to the great cause. Yet you who have shown yourself the most enthusiastic and

friendly, and whom I could have expected to at once issue a decree of adhesion, calling together the Congress to make them acquainted with my decree, instead of adopting the more suitable, immediate, and energetic resolution.

My determination is irrevocable, and all that cannot forthwith support the idea I have proclaimed will only serve to involve all the country in a great revolution, for which I shall hold you, and only you and your circle, responsible to Central America. To convoke Congress, as you desire, appears to me entirely useless when there is in question a cause which all the Governments, by their respective constitutions, are bound to embrace and no Central American can dare to oppose. Delay in this matter can only mean opposition, fear, or want of confidence.

J. RUFINO BARRIOS.

No. 51.

Mr. Whitehouse to Mr. Bayard.

[Extract.]

LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,
Guatemala, March 9, 1885. (Received April 3.)

SIR: Referring you to my despatch of the 6th instant reporting the publication of President Barrios' decree proclaiming the union of the Central American States into one republic, I have now the honor to inclose a copy and translation of the decree and proclamation.

I would call your attention to article 9, of the decree, which states that no international treaties, &c., arranged by any of the other States of Central America after the date of said decree (February 28) will be recognized.

* * * * *

I am, &c.,

H. REMSEN WHITEHOUSE.

[Inclosure.—Translation.]

J. Rufino Barrios, general of division and supreme military chief of the Central American Union, to the Central Americans:

The nations of Central America, torn asunder by the enemies of its honor, greatness, and liberty, have been sighing for a long time for the reconstruction of their country, and all of them anxiously crave to form again one powerful and respectable republic.

Long have they appealed to me with energy and persistence to initiate, proclaim, and uphold the grand cause of the Central American nationality, basing all the hopes of the union and making its triumph dependent upon me alone.

In answer to this appeal I have issued this very day the decree in which I declare myself for the union, and in order to cover myself of the immense responsibility which would be laid upon me were I to remain inactive, and at the same time to obey the sentiments which animate me in favor of the restoration of our country, which will be our most legitimate pride and glory, I have assumed the supreme military command.

Here, then, I am at the head of the ardently wished-for movement, hoisting the sympathetic flag, which is that of our future, the first on the list of these who will join to form the union army in the exclusive service of the idea of our liberation and in defense of its sacred banner.

There is nothing greater or more worthy than this cause, nothing that can be nearer to the hearts of every well-intentioned Central American. They think my action indispensable; they believe that upon me the victory is founded. Although I have not that presumption, I am unable to oppose their wishes or resist my own duty and sentiments. Therefore, inspired by the greatness of the idea, with undying faith in the triumph of a principle sustained by nature, public opinion, and patriotic dignity, I am ready to uphold it with my whole soul and with all my might and power. There is something within me, in these solemn moments, that tells me that the victory is ours, and that we shall be able to accomplish without great sacrifice the Central American Union.

But if sacrifices are indispensable, I am ready to accept them all, and to offer upon their altars my duty in aid of my country, my repose, and my existence.

I would be proud and satisfied to obey and fight among you as a simple soldier, abandoning to another more worthy than myself the post of chief commander which public opinion has laid upon me.

This post, if it is a glorious one, is one chiefly of peril and responsibility, and for this reason I hesitate not a second to accept it with enthusiasm.

The ambition of commanding has no influence over me. I have had by sad experience time enough to taste its bitterness were I governed by this idea. I have had opportunities enough to satisfy this ambition without the penalties and responsibility with which I now willingly burden myself. Neither do I seek personal benefit or to procure the aggrandizement of the Guatemalians, for the position I now hold and the means I possess are sufficient for my wants, and this Republic in its present position of relative prosperity, power, and wealth has nothing for which to envy the others. It could even give something to them, and do much for their progress and welfare.

The contemplation of the deplorable fate to which these nations are condemned on account of their smallness and separation, and knowledge of my imperious duty as Central-American and chief, decide me to do something to revive our country out of its present unhappy condition, to struggle, exhaust my efforts, and, if necessary, to die so that my children and those of my countrymen may have a country, and with it rights, respectability, and guarantees.

All the states stimulate me, and although I have a great deal to risk and lose, I answer to their appeal by pledging my name and person with all the elements and forces at my disposal. They must now actively work on their side to increase the ranks of patriots, pronounce resolutely for the union, and, conquering or dying, be deserving of immortal fame in the future history of the reorganization of the Central American country. If it is brought about peaceably so much more glorious will our triumph be, for it will prove the abnegation of the Central American citizens, and show how they can silence the cries of mean interests and personal ambition only to listen to the grand moving voice of country. If it is necessary to take to arms in the service of this idea, and to sustain the opinion by force against the attacks of those who, blinded by vile passions and carried away by miserable interests, are satisfied with misery and debasement, we have superabundant means and forces to sustain it, to allow the opinion to make its way, and issue successfully out of the struggle, so that victorious Central America may appear crowned with brilliant and immortal splendor.

Soldiers of Central America, the banner you have longed to see floating beneath the sky of your native land is hoisted; come and rally around it, and to-morrow it shall wave triumphantly in all Central America. No more fratricidal wars; no more struggles and bloodshed in defense of ignoble causes to satisfy the hatred inspired by a mean local spirit; let us all unite to fight for one country, the country of which we have so long been bereft, which we lack to-day and of which our children are deprived, and which we can bequeath to them as their dearest inheritance and most invaluable possession.

Those who do not assist are those who live content in opprobrious smallness, who do not feel their blood boil and their cheeks redden with shame considering the deplorable situation into which separation has thrown us; those who wish to live in slavery and inaction, contemplating with indifference the agonies of our native land, and wait until an obscure death comes to put an end to a life spent in degrading abjectness; those, finally, who are not worthy of the name of Central Americans.

But those will surely join who have patriotism and a heart; those whose ambition is to have a country, who love their children and long to bequeath to them a country and rescue them out of the abyss into which division has buried us. All good children of Central America will unite, and these form the immense majority.

Woe to those who do not assemble on this memorable occasion, for on their heads will the eternal maledictions of posterity fall, and their forehead will be forever marked with the terrible anathema of history.

Woe to the few who, giving way to the inspirations of a bastard interest, oppose the torrent of public opinion, for it will sweep them away.

Woe to the unnatural persons who oppose the true happiness of their country, for in a few short days they will be ignominiously crushed beneath the wheels of the triumphal chariot of the Central American Union.

Officers and soldiers of Guatemala, as your chief, friend, and comrade, I joyfully abandon my comforts and call you to my side to share with me the hardships and sacrifices as well as the glorious laurels of the brilliant day which dawns for the restoration of the Central American unity.

Happy may we feel to whom falls the honor of beginning and consummating this patriotic campaign in the noblest and grandest cause, the only one for which we ought and can fight and die, the only one worthy to be watered with the noble blood of the

children of the country. You who in bloody and unequal battles have done prodigies of valor, raising to the skies the name of the Guatemalan soldier, you whose loyalty, energy, and point of honor have always answered my call, efficaciously helping me to obtain the victory, here you have a vast field to display your heroism. I trust in you, and, being with you, I fear nothing; every enterprise seems easy and the triumph certain.

Here I am first, for when it comes to marching together to the field of honor in support of the national cause I have no interests, children, or family; my faithful companions in arms and the idea we defend are all to me. At your side and mingled among you you will find me always, for your hardships will be mine, as also your glories, for I desire no other distinction than that of being always at your head, occupying the perilous post to present my heart to the enemy before yours, for the life of the last of my soldiers is far dearer to me than my own.

If we must perish we will perish together, but gloriously and covered with honor, defending the most sacred of all causes, deserving well of posterity, and meriting perpetual gratitude by assuring the establishment of the union. But we will not succumb. No! the idea will triumph, and we are called upon to make it triumph.

We may say that without boasting or being censured with presumptuous vanity, for we have more than fifty thousand Remington rifles abundantly ammunitioned, and provided with numerous and magnificent munitions of war, and what is much better than depending upon these, we depend upon opinion, which is stronger still, and upon the support of the patriots of all the Republics, who, true to their professions and promises, will combine all and dispose everything in order to render the victory unfailing and at little cost.

Our enemies, if any exist, are weak and insignificant and will not be able to resist the immense superiority of our numbers, precision of our firearms, the bravery and decision of our soldiers, and, most of all, the ascendance and prestige of the cause we uphold, and the terrible blows of public opinion which will rise against them, overthrowing them in confusion and disorder.

Happy we to whom it is given to initiate and carry out the greatest and most patriotic work which it was possible to undertake from the days of the independence till to-day, the grandest work which will be wrought for many a day, and I may say the sublimest of all which may ever be realized here—the union upon which our happiness is based, which has caused the actual greatness of Germany and Italy, which has made the United States so powerful, and changed the fate of almost all the republics of ancient Spanish America, among which we ought not to appear divided and small, a sad and shameful exception. Divided and isolated, we are nothing; united, we may and shall be everything.

I, for my own part, can say that I prefer a thousand times the position of chief of the poorest and most obscure department of a powerful and worthy nation to that of president of one of these republics, which cannot bear the weight of even that title; and I deem it more honorable to be the last of the soldiers in the union army than general of that of a State which causes derision on account of its weakness.

Once again let us be worthy of ourselves, and prove that Guatemala is deserving of the extraordinary enterprise at whose head it has had the good fortune to place itself; the idea can not be more glorious; its influence will furnish us with indomitable ardor; its greatness will reflect upon each one of its supporters, fortifying and increasing their numbers and, carrying the banner of Central America from victory to victory, removing the ridiculous boundaries which divide us, we shall find at the close of our journey the country of our ambition and hopes—the ideal of all our aspirations.

Let us hasten then to conquer it. The soldier of the Central American Union may gloriously die on the field of battle, but he cannot return vanquished nor outlive the dishonor of a defeat. Let us hasten to obtain the victory that is awaiting us, to secure country, liberty, fruitful and worthy repose, and greatness and lasting tranquillity, in order to dedicate ourselves afterwards, without interruption, to our peaceful labors, and to enjoy in security in the midst of abundance the fruit of all our work.

By the memory of the fathers of our independence, by the venerated ashes of our forefathers, and by the fate and future of our children I entreat you not to lay down your arms until the Union is definitely established, never to tread again upon this beloved soil, filled with all our remembrances and affections, until we can say we have now a home and a native country; we can now live worthily, for we have order, progress, and liberty; we can now die in peace for we have conquered, bequeathing to our children a country with effective sovereignty which assures them guarantees, respect, and liberty.

Officers and soldiers of the Central American Union, the Union is dependent upon you. Promise me to fight for its completion, and I will answer that it is already accomplished.

Long live the Republic of Central America. Long live the Union army.

Your companion in arms, and friend,

J. R. BARRIOS.

GUATEMALA, *February 28, 1885.*

[Translation.]

Long live the Republic of Central America. J. Rufino Barrios, general of division and President of the Republic of Guatemala:

Whereas that since the unfortunate day in which the egotism and criminal intrigues of the aristocratic party dismembered into five fragments the once beautiful and flourishing Republic of Central America, the fractions which appear to-day as independent nations, vainly struggle to withdraw from the ruinous and lamentable consequences of this unnatural state, so contrary to nature, to the geographical situation of this region, to its traditions, antecedents and history, and also to its political, economical, material and social interests;

Whereas in their present divided state these nations are vainly striving to win, in the face of the civilized countries, the idea of importance and respectability which belongs to their autonomy, which they doubtless would enjoy were they to issue from the isolation to which their smallness reduces them; were they to form again, all united, a strong, rich and great republic, capable of making good its rights, exercise the plenitude of its sovereignty and occupy a worthy and honorable post in the concert of American and European nations, with which the relations arising out of their enviable position, fertility of soil, and the wealth it incloses, the variety of their productions, the vast field they offer to foreign speculation and the facilities they present for enrichment by agricultural, industrial or mercantile enterprises, put them in immediate contact;

Whereas the nations of Central America, already taught by long and painful experience, understand instinctively that the true motive and primary cause of all the calamities which have caused them to suffer so many disasters for more than forty years, the backwardness, agitation, poverty, and debility in which they have lived during that time, have their root in the inexplicable and lamentable division of the Central American country; they have not ceased to advocate and plead for its reconstruction, as their strength can only proceed from their union; from the union alone can they hope for respectability, peace upon solid basis, material advancement, culture, enlightenment, and republican morality;

Whereas one of our principal and most urgent necessities, that of attracting foreign capital, and large currents of honest, intelligent, and industrious immigration to work the innumerable sources of wealth which abound in this privileged soil, and make use of the immense treasures and natural resources which are yet mostly unknown or abandoned, cannot be gratified at present on account of the distrust arising out of the want of credit caused by our insignificance. This certainly would be remedied when the union is brought about, for when once the national credit is established and consolidated through her, with positive guarantees of order, lasting tranquillity and fulfillment of all agreements entered upon, the capital to be invested would abound in a country which offers so many commodities for living and promises such extraordinary profits; and a large number of industrious foreigners would then come, who, reaping copious profits, would fecundate our numerous elements of production by the powerful help of their work, intelligence, and knowledge;

Whereas in the present situation each State has to attend to its own security and also to that of the others, as the agitation and disorder in any one of them rapidly propagate themselves in the others; the incomes of the governments which ought to be employed in the public advancement, improvement, and prosperity are unproductively spent in watching each other closely, looking after and defending themselves one from the other, in being prepared with arms and war implements, to sustain military forces which compel them to keep and live on a permanent war footing; the proper weakness, mistrust, and diffidence which they mutually inspire and the fears and alarms which badly intentioned people take a delight in sowing; and all this renders a frank and cordial policy of affectionate correspondence and fraternity entirely impossible. On the contrary, a frightening, envious, and mean policy, full of jealousy, suspiciousness, and rivalry is thus created, which maintains uneasiness, aliments quarrels, and local hatreds, opening abysses of separation hidden by friendly appearances which, as time passes, it will not be possible to remove, and will at last completely overthrow the union and harmony which for so many reasons ought to bind them;

Whereas the States being constituted into one republic, with the interests and fate of all in common, the odious and expensive vigilance would disappear on one side, and the taxes which to-day weigh down the people would sensibly diminish on the other; and the necessity of investing considerable sums thus absorbed would be done away with, for there being but one administration to sustain, instead of five, all the other expenses would be reduced on a large scale, and the possibility of making considerable economies in many of the expenditures enhanced; and on the other hand the Government, formed with the forces and elements of the others, could surround itself with the most eminent and distinguished citizens of the different States, to be guided

by the worthy confluence of their understanding, science, patriotism, and knowledge of general affairs and interests, thus assuring respect, power, popularity, and the protection of public opinion; and all the receipts could then be consecrated to sustain all its activity to impulse, protect and favor great enterprises for the public welfare; and in order to secure definitively the peace which in the sections of Central America is only disturbed by wars, originated between one State and the other by their separation and dissensions arising out of it, and to offer protection and confidence, so that under the support of inviolable guarantees and the strong arm of an effective and progressive authority all abandon themselves to work for individual good and wealth and for the welfare, greatness, and prosperity of the nation.

Whereas the union is equally indispensable to lay the foundations of and sustain democratic institutions, unrestrained by certain persons, and unsubjected to revolutionary fluctuations and the vacillation of diametrically opposed parties to establish, develop, and practice, with all the extent of which they are capable, the rights and guarantees which a citizen ought to enjoy under a truly liberal system; and the exercise of these rights and guarantees unembarrassed of obstacles and efficaciously defended would be impracticable without laying the authority open to ridicule or of falling into anarchy. The State being small, and its government weak, often stumbles against the obstacles that spring out of its insufficiency and insecurity, and the struggle with the elements which the same restriction in the circle of its actions allows to put into play. This often renders the primary necessity of maintaining order impossible without departing from the limits of strict lawfulness.

Whereas the idea of the Central American Union, which for some time appeared to be smothered by the enemies of the progress and welfare of those nations, has recently, and especially in these last years, revived with a new and vigorous life, has spread over the whole territory of the five States, acquiring vast proportions in the population and giving rise to glowing protestations of attachment; and it is openly proclaimed by all Central Americans of good faith as the only possible means of issuing from prostration and discouragement, being accepted with demonstrations of approbation and sympathy by the governments at their head, as also by the foreign Governments with whom they entertain relations; and it will be more convenient, expeditious, and decorous for these in international communication, discussion, and settlement of their affairs and interests to correspond with one government whose stability is secured and represents a nation which, on account of the extension of its territory, elements, and resources of all kinds, is worthy of reciprocating with them on the base of relative equality.

Whereas Guatemala, the most important State in the Central American federation, on account of the means and elements at its disposal, is that which has taken the lead under the present administration, and made the most positive efforts in favor of the re-establishment of the union, and it is to her that the other nations look up and the most prominent citizens, defenders, and partisans of the idea direct themselves; and they all claim of her a new and efficacious initiative, a vigorous and energetic action in order to undertake and happily carry out this glorious enterprise.

Whereas in trying to reorganize the national union, founded upon bases apart from the accidental inconveniences against which inexperience made it stumble in former times, producing the most complete and beneficial transformation in Central America, and which constitutes the only cause that is and must be sacred to all Central Americans, and the only one for which they can and ought worthily to fight and die; and all those who entertain sentiments of dignity and national love, and long to bequeath to their children the highest and most positive benefit to which they can aspire, a country of which they are destitute to-day, and with justice they ask for, are obliged under the strictest responsibility to make efforts for promoting and obtaining it by all means in their power, without being discouraged by any consideration, sacrificing all to it—their position, interests, life, and family.

Whereas, considering the greatness of the object, examining the future of Central America, we must lay aside on its account all contemplation, and elevate ourselves above all mean intrigues, offensive suppositions of ambitious plans, and the wicked cries of calumny; and we must scorn the hatred of those who, by a spirit of narrow localism, nurtured and upheld by miserable interests, or by low ideas of personal benefit, prefer a despicable advantage to the great interest of Central America, and try to remove the day of our union by raising against its promoters obstacles, which envy and meanness always throw in the way of all that is great; whereas the obligation of proclaiming the union and working resolutely and courageously to obtain it is much more imperious for those men to whom these dismembered sections of Central America have intrusted their fate, and of whom they justly hope to initiate, protect, and sustain all that which tends to better their condition, in particular the monumental work upon which it depends, and such as happened recently in the nations of America and Europe

in order to issue from their prostration and annihilation, this grand enterprise of the union, without which it can be said that the future is forever shut out, without which nothing is done, for we must consider these wasted efforts as even less than lost, that are made in giving prosperity and greatness to that which cannot bear their weight as long as it labors under the constitutional vice of smallness produced by division.

Whereas on this understanding the chief of the Republic, intimately penetrated with the transcendency and signification of this duty, which the very constitution imposes upon him, and the respective constitutions upon the other governments; that if in all it is a crime, and in him a still greater one, to allow time to fly without doing everything that can be done to arrive at the desired reorganization, and carried moreover by his ardent sympathy for the Central American union, in whose favor he has at other times employed his most decided efforts and always is ready to consecrate them with an inflexible resolution, and stimulated as well by reiterated and energetic summons of the most distinguished and liberal men and circles of all the States in the name of the dearest and most vital interests of Central America, involving the principles he has defended, directing him to raise his voice in protection of the union, and to hoist and defend its flag; and taking also into account the state of actual effervescence and excitement of public opinion which might cause in the States revolutions unproductive of anything good, but fertile in disasters and confusions, which would be felt in this republic; unable to underestimate such powerful motives and unwilling to give reason in other times of blaming him for not laying to the service of the cause his person and influence, pledging in it all his interest, the high conception in which the nations hold him, his representation as military chief and supreme magistrate of Guatemala and the favorable disposition in which through documents and official publications the presidents and governments have manifested to be, the time has come to act as a good soldier and native of Central America taking in consequence the attitude which the enterprise demands in such a clear way as to leave no place for doubt or vacillations, and assuming by the initiative he makes the direction and responsibility of the works and operations to remove the ridiculous boundaries which divide us and to unite the nations of Central America into one great, happy, and respected country.

Whereas this frank and energetic proceeding in which he openly declares his intention is that which becomes the manifestations of the will of the nations and the nature and greatness of the work to be completed, in opposition to which are the hidden intrigues, the concealed devices, the protection of factions and other means which have suggested themselves, and to which we might resort with hopes of a more prompt and certain success, but, being neither decorous nor straightforward, would throw a tarnish upon a worthy and sublime cause, as this one is, when everything in relation with it should be praiseworthy and elevated, and especially the means to make it triumph so that its victory be the true expression and natural result of opinion, force only intervening to sustain and defend it against the machinations of the enemies both of the nation and greatness of Central America:

Therefore, in his turn, decisively and solemnly calling upon all the Central American patriots, all generous-hearted men of high ideas and aspirations, all the nations which fundamentally lay their hopes of tranquillity, aggrandizement, and fortune in the Union, and in perfect harmony with the council of ministers—

It is decreed:

ART. 1. That the chief of the Republic of Guatemala proclaims the union of Central America into one sole Republic; initiates, protects, and upholds all the works, operations, and movements directed to obtain it, and for this purpose assumes the position of supreme military chief of Central America, and exercises absolute command as such till the accomplishment of the union of these sections into one sole nation and under one flag.

ART. 2. That this same chief shall receive the adhesion of the governments, nations, and chiefs that embrace the idea of the Union, according to the terms established by this decree.

ART. 3. That a general assembly, composed of fifteen members for each of the States, and publicly elected with the most ample liberty and independence, among the persons who, according to the respective laws can act as representatives, shall assemble in this city of Guatemala on the 1st of May next, to decree the political constitution of the Republic of Central America, and especially to determine upon the mode, time, and form for the election of a President, the duration of his presidential period, and the date on which the elected president shall receive from the assembly the supreme constitutional command, and to designate the city or place in the territory of Central America where the capital shall be established and where the supreme powers shall reside.

ART. 4. Any person of private or official character who declares himself against the Union, or opposes its operations and works, hindering them in any way, shall be considered as a traitor to the great national cause; he shall be incapacitated to fill any office or

dignity in the Republic of Central America, and will subject himself to the responsibility and consequences which arise out of such actions, according to their nature.

ART. 5. That all the Republics of Central America be invited to pronounce in favor of the Union, and that Guatemala henceforward makes common cause with those who declare themselves for it, any authority which resists it being unrecognized.

ART. 6. That the chiefs and officers of the Central American militias who decide in favor of the Union and lend their services to the realization of this patriotic ideal will have a right to promotion of a step in the army of the Republic of Central America, and, should they have arrived at the highest degree, they will be solemnly decorated with a gold medal bearing an appropriate inscription recording their merit.

ART. 7. The classes and soldiers who shall be noted for their courage and conduct will receive, besides their promotion, a distinction and recompense, which will be duly given in reward of their services.

ART. 8. The standard of Central America, which from this date shall be used by the defenders of the Union, will be blue and white, disposed in three vertical bands, of which the central one white and the two extreme ones blue. The arms, consisting of a "Quetzal," upon a column with the motto "Libertad y Union—15 Setiembre de 1821, 28 de Febrero, 1885," which shall be painted upon the white band.

ART. 9. No negotiations for territory, international treaties, foreign or national loans, and other stipulations of like character or importance, arranged or concluded by any of the other States of Central America, shall be recognized after the date of this decree.

ART. 10. The minister of foreign affairs has charge of informing Congress of this and of laying it before the other Governments of Central America, as well as of those of America and Europe with whom he entertains relations of friendship or commerce.

ART. 11. The secretary of state for the interior and justice shall provide everything for the due installation of the general assembly of the states.

ART. 12. The secretary for war shall attend to everything else that the execution of this decree may require.

Given in the national palace of Guatemala this twenty-eighth day of February, one thousand eight hundred and eighty-five.

J. R. BARRIOS.

The Secretary of the War Department:

J. M. BARRUNDIA.

The Secretary of the Foreign Department:

FERNANDO CRUZ.

The Secretary of Public Works:

FRANCISCO LAINFIESTA.

The Secretary of the Finance and Public Credit Department:

DELFINO SANCHEZ.

The Secretary of the Interior and Justice:

CAYETANO DIAZ MERIDA.

The Secretary of Public Instruction:

RAMON MURGA.

No. 52.

Mr. Bayard to Mr. Hall.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 10, 1885.

Mr. Hall is informed that, while the United States Government is prepared to use its influence in averting a conflict and to promote peace, and deems advisable a voluntary combination of interests of the Central American States, no display of force on the part of any one or more States to coerce the others can be countenanced.

No. 53.

Mr. Bayard to Mr. Hall.

No. 226.]

DEPARTMENT OF STATE,
Washington, March 12, 1885.

SIR : I have to acknowledge the receipt of your No. 316, of the 10th ultimo, in which you inclose copies of the correspondence between the legation at Guatemala and Mr. Leavitt, the United States consul at Managua, respecting the case of José Dolores Gomez, and request more definite instructions for such cases.

It appears that Mr. Gomez, who is said to be a political fugitive from Nicaragua, voluntarily took passage at San José de Guatemala for Punta Arenas, Costa Rica, on board the Pacific Mail steamship Honduras, with the knowledge that the vessel would enter *en route* the port of San Juan del Sur, Nicaragua.

The Government of Nicaragua upon learning of this fact ordered the commandant of the port of San Juan del Sur, to arrest Gomez upon the arrival of the Honduras at that port.

The minister for foreign affairs of Nicaragua informed Mr. Leavitt, United States consul at Managua, of the action of the Government by a telegram, as follows:

Government has ordered the commander of port San Juan del Sur to arrest José Dolores Gomez, a fugitive prisoner, who is on board of the steamer Honduras, now *en route* to that port. I suppose the captain will not interfere with the action of the commander, but to avoid whatever difficulties likely to arise I suggest you to send a telegraphic message to the captain of the Honduras at San Juan del Sur, stating that the order has been issued by the Government, and recommending him to support the commander as there is no ground on the part of the captain to hinder the execution of the Government order.

It appears that before Mr. Leavitt had an opportunity to act upon this request, you telegraphed him as follows:

Reported here arrest of a transit passenger bound to Panama on board steamer Honduras at San Juan del Sur. Say respectfully to Nicaraguan minister of foreign affairs that our Government never has consented and never will consent to the arrest and removal from an American vessel in a foreign port, of any passenger in transit, much less if offense is political.

It appears that Mr. Leavitt declined to comply with the request of the minister of foreign affairs, and followed your instructions by submitting a copy in writing to the minister.

From the brief outline given by the consul of the subsequent proceedings, it appears that the Government authorities at San Juan del Sur, upon the arrival of the Honduras at that port, requested the captain to deliver up Mr. Gomez. This he declined to do, and set sail without proper clearance papers.

The consul reports that for these offenses the captain has been tried by the Nicaraguan Government and found guilty, and although he has not been able to learn the nature of the sentence, he is convinced, from the present attitude of the Government, that the sentence will be executed in case of the return of the captain or the vessel within the jurisdiction of the Government of Nicaragua.

As the nature and character of the proceedings against the captain of the Honduras are not known to this Department, a full and detailed report should be made as early as practicable. It is clear that Mr. Gomez voluntarily entered the jurisdiction of a country whose laws he had violated.

* * * * *

It may be safely affirmed that when a merchant vessel of one country visits the ports of another for the purposes of trade, it owes temporary allegiance and is amenable to the jurisdiction of that country, and is subject to the laws which govern the port it visits so long as it remains, unless it is otherwise provided by treaty.

Any exemption or immunity from local jurisdiction must be derived from the consent of that country. No such exemption is made in the treaty of commerce and navigation concluded between this country and Nicaragua on the 21st day of June, 1867.

I am, &c.,

T. F. BAYARD.

No. 54.

Mr. Hall to Mr. Bayard.

[Extract.]

No. 322.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, March 14, 1885. (Received April 9.)

SIR: Late in the evening of the 6th instant, at Corinto, Nicaragua, while waiting for the steamer by which I had engaged my passage to Guatemala, I was requested to go to the telegraph station to receive a verbal communication from President Cardenas. It proved to be with reference to a telegram which had been received at Managua from Salvador a few moments before I was called, and to the effect "that information had been received at Salvador that on the previous night, the 5th of March, the National Assembly of Guatemala had ratified a decree of President Barrios, declaring the union, or rather the reunion, of the Central American States under one federal Government, he (President Barrios) assuming the command of all their military forces."

On my arrival at La Libertad (Salvador) on the 9th instant, I found awaiting me a telegram from President Cardenas, from which it appears that President Barrios had officially communicated the above-mentioned decree to the Governments of the several states. The answers of Nicaragua and Costa Rica are given in the message, and leave no doubt as to the attitude of those Governments.

While at La Libertad I was informed that the Guatemala decree had awakened a feeling of indignation and resistance in Salvador, and reported the same to you from there by the cable. Later in the day, President Zaldivar, hearing that I had gone ashore at La Libertad, sent me a pressing request to visit him. I complied, hoping thereby to obtain some definite information concerning this extraordinary movement.

After a journey of eight hours I reached the capital, San Salvador, about midnight. Here I found a great commotion. I learned also that there had been popular demonstrations of an unmistakable significance, and that the sentiments of all classes, apparently without exception, were intensely hostile to any union with Guatemala.

* * * * *

The following day, the 10th instant, President Zaldivar telegraphed me, at the port of Acajutla, a transcript of a telegram he had received from President Diaz, of Mexico.

* * * * *

Upon my return to Guatemala on the 11th instant, I received your telegram of the same date in reply to mine of the 9th from La Libertad.

On the 12th instant, the day following my return, in response to a courteous request of President Barrios, brought to me by the minister for foreign affairs, Señor Cruz, I called on him and availed myself of the opportunity to make known the purport of your above-mentioned telegram. I inclose a memorandum of our interviews, as dictated by himself to his private secretary. He said, substantially:

(1) That the concentration of forces on the frontier of Salvador is not with the intent to invade unless in danger of being invaded.

(2) That the object is to protect and sustain operations and movements directed to promote the union of Central America.

(3) That as to the attitude of Mexico, should the Mexican Government interfere, he will accept the challenge.

(4) That Honduras will assume the same conduct towards Nicaragua that Guatemala assumes toward Salvador.

In consonance with your telegram referred to, I urged upon President Barrios the necessity of carrying out these measures by peaceful means; that any other would certainly fail to accomplish his object. Although he made no definite promise or declaration beyond what is expressed in the memorandum, I came away satisfied that he will, if possible, avoid a conflict with Salvador. Whatever influence I may be able to use will be directed to that end; the menacing attitude of Mexico may, however, prove an embarrassment.

I further inclose a copy of a circular note from the minister for foreign affairs, received last evening; he refers to a telegram from President Diaz of Mexico, which he considers an uncalled-for menace of intervention in Central American affairs. The note also contains the first reference I have seen to the agreement which appears to have existed between the Presidents of Guatemala, Salvador, and Honduras.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 322.—Cablegram.—Translation.]

President Cardenas to Mr. Hall.

MANAGUA, March 9, 1885.

I have communicated to Congress the unaccountable intimation of Barrios, and their answer was the following decree:

ARTICLE 1. Nicaragua does not accept the military dictatorship which the President of Guatemala pretends to impose on Central America, and repels energetically whatever attempt (may be made) to carry it out. In consequence the executive power is authorized in all ways in order that alone or allied with the states that desire to defend their independence, their dignity and liberties, they may provide for the national defense without omitting for this end any effort or sacrifice.

ART. 2. Nicaragua declines on behalf of those in power the consequences of the war to which they are provoked, and protests before the civilized world against the scandalous usurpation which it is attempted to accomplish.

Given in the session room of the Chamber of Deputies, Managua, March 8, 1885.

A. J. PASOS,
P. Y. LUIS VEGA,
TOMAS ARNIEJO,
S. al P. E.

Given in the Chamber of the Senate, Managua, March 8, 1885.

P. Y. CHAMORRO,
P. J. RAMON SAENZ,
FRANCISCO JIMENEZ, S.

At the same time I made known to the Government of Costa Rica the resolution of that of Nicaragua to struggle to the last stage defending the national dignity and independence, and the answer of President Fernandez is the following:

"Doctor CARDENAS: The assembly of influential men, composed of more than one hundred persons, resolved unanimously that a minister should immediately be sent to that Republic, in order that, in unison with its Government, we may resist until we triumph or until the last Costarican disappears; this is the opinion of the country, and this is my opinion. I await yours.

"Your affectionate friend,

"P. FERNANDEZ."

Be pleased to make known both these communications (*instrumentos*) to the Spanish minister and your other colleagues, and, should you deem it well, to Dr. Zaldivar. Central America is about to embark on a war which will cause her total ruin, and you and the other members of the diplomatic corps can exercise your important influence to prevent Barrios from accomplishing this wicked and criminal attempt, which will scandalize all civilized nations. I beg you to advise me immediately what the Government of the United States says.

CARDENAS.

[Inclosure 2 in No. 322.—Telegram.]

Mr. Hall to Mr. Bayard.

LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,
La Libertad, March 9, 1885.

Mr. Hall telegraphs to the effect that much wanton bloodshed, and perhaps anarchy, will undoubtedly follow the decree of the President of Guatemala in respect to a union of the Central American States, and his assumption, without invitation, of the command of their military. His action being taken without either consent or consultation is considered an unwarranted usurpation.

While it is rumored that Honduras adheres to the movement, it will be resisted by Costa Rica, Salvador, and Nicaragua.

[Inclosure 3 in No. 322.]

Memorandum of a conference with President Barrios.

(1) Concentration of forces on the frontier not with intent to invade unless in danger of being invaded.

(2) In accordance with article 1 of the decree of February 28, I will begin to protect and sustain all works, operations, and movements directed to promote the union of Central America.

(3) Having received a cablegram from the President of Mexico, in which he tells me his Government will take action, and I am disposed to repel force by force should it be carried out.

(4) Honduras will assume the same conduct, and if the Nicaraguans ask for arms, they will be given them as well as money, in accordance with same article 1 of said decree.

GUATEMALA, *March 12, 1885.*

[Inclosure 4, in No. 322.—Translation.]

Señor Cruz to Mr. Hall.

GUATEMALA, *March 13, 1885.*

SIR: I have the honor to bring to your notice that General Barrios, having communicated to the President of the United States of Mexico the proclamation made in the decree of the 28th February of the union of Central America, he received from him in reply the cablegram which literally reads:

"MEXICO, *March 10, 1885.*

"General J. RUFINO BARRIOS: Your telegram received 7th instant. The resolution taken exclusively by assembly of that Republic is repulsed with energy by the

Government and peoples of the other Central American Republics, according to telegrams which I have received from Nicaragua, Costa Rica, and Salvador.

"This circumstance and the growing impression which the news causes with the Mexican people will influence the action which the Government under my charge has to take before an emergency which is a threat against the independence and freedom of the nationalities of this continent.

"PORFIRIO DIAZ."

By a telegram, after the 7th instant, the Congress of Honduras agreed with the Government, and, seconding the wish of that people, proclaimed the Central American Union, adhering in full to the proclamation of Guatemala. Dr. Zaldivar, in a telegram of March 6, which has already been published, congratulated General Barrios and the nation for the decree which he has issued concerning nationality. He confirmed what he had said to him, and then repeated it, that they were influenced by the same fate, and assured him that with the means which he could dispose of he would find him fully agreed to second this great idea.

Up to date no answer has been received from Costa Rica, and only the Government of Nicaragua has manifested its declared opposition to the union which is proclaimed; but it is certain that the people of that State as well as those of the others are openly decided for the union, so that any resistance will be from those who figure in those Governments.

On the other hand, Guatemala does not admit, neither can admit, that any other Government shall arrogate this attitude of intervention which the cablegram supposes, in a matter purely Central American, and which has for object to re-establish the union and the nationality which formerly existed, and to which the people desire to return.

Considering the above, if there be really constituted a threat against the independence and the freedom of the nationalities of this continent, and against which it is protested forthwith, it would be the deed of intervention and a hostile attitude toward the Union which it is desired to realize, and the wish to dictate what should or should not be done.

Fully assured that your illustrious Government will agree with that of Guatemala on the subject, and deeming it indispensable and fitting to give it notice of it, I beg of your excellency to communicate it, and I would esteem it greatly that you, should it be possible, would do so by means of the cable.

I am, &c.,

FERNANDO CRUZ.

[Inclosure 5 in No. 322.—Translation.]

Señor Cruz to Mr. Hall.

GUATEMALA, March 11, 1885.

MR. MINISTER: I have the honor to transcribe to you the telegram, dated 7th instant, which the minister of foreign affairs of the Republic of Honduras directed to this office:

"I hasten to bring to your notice that the National Congress, after much consideration, has to-day decreed the following:

"ARTICLE 1. The Honduranian people, through the medium of their national representation, proclaim the Central American Union, adhering to the revolution begun by the President of Guatemala.

"ART. 2. To aid in every way the executive power in order that it may take active part in the revolution of the Central American nation.

"ART. 3. The National Congress and the President of the Republic shall communicate to the people a frank and explanatory manifesto concerning the great project of the revolution which has been proclaimed.

"Given in Tegucigalpa on March 7, 1885.

"M. VIGIL, D. P.

"CARLOS A. UCLES, D. S.

"MAXIMO GALVEZ, D. S."

"Renewing to your excellency the assurances of my esteem, I am your obedient servant,

I offer you, &c.,

"JERONIMO ZELAYA."

FERNANDO CRUZ.

No. 55.

Mr. Hall to Mr. Bayard.

[Telegram.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, March 15, 1885. (Received March 16.)

Mr. Hall telegraphs the Department that the purport of its telegram to him of the 11th instant has been made known to the President of Guatemala, who appears to be deeply impressed, saying that although he sends an army to the frontier of Salvador to support the movements in favor of the Union he has no intention to invade neighboring states.

* * * * * *

Mr. Hall is of opinion that if Mexico will for the present remain passive, affording the President of Guatemala an opportunity of receding decorously, bloodshed may be avoided.

No. 56.

Mr. Bayard to Mr. Hall.

[Telegram.]

DEPARTMENT OF STATE,

Washington, March 16, 1885.

Mr. Hall is instructed to make known to the Government of Guatemala that it will be held strictly responsible for any injuries to the telegraphic cables, property, or interests of American citizens in Central America committed with its connivance or under its authority.

No. 57.

Mr. Hall to Mr. Bayard.

[Telegram.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, March 16, 1885. (Received March 17.)

Referring to the Department's telegram of the 11th instant, Mr. Hall thinks it possible to make an arrangement by which the threatened conflict may be averted and the difficulties settled. He says that any suggestion emanating from the Government of the United States would be accepted by the President of Guatemala, who, if the United States can induce Mexico to discontinue her interference in the affairs of Guatemala and Central America, which interference arouses his resentment, though it does not intimidate, will immediately withdraw his forces from the frontier of Salvador.

Mr. Hall says that a prolongation of this state of things will work great injury to the interests of United States citizens in these countries.

No. 58.

Mr. Hall to Mr. Bayard.

[Telegram.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,*Guatemala, March 24, 1885. (Received March 27.)*

Mr. Hall states that he has used every effort to prevent a conflict between the Central American States, and that promises have been made by the Presidents of Honduras and Nicaragua that they will delay the commencement of hostilities while he awaits instructions from the Department. It is rumored that the intervention of Mexico has been sought by the President of Salvador.

The Department will be informed by the minister from Guatemala, who is expected to arrive in Washington on the 2d of next month, respecting the demand made for the surrender of Captain Ousley and others, passengers on the Granada, by the authorities of Salvador at La Libertad. He thinks United States vessels should be sent there immediately.

No. 59.

Mr. Hall to Mr. Bayard.

No. 325.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, March 25, 1885. (Received April 18.)

SIR: I respectfully invite your attention to the accompanying copy of a letter from Mr. T. S. Leverich, special agent of the Pacific Mail Steamship Company, and of one addressed to President Barrios by Mr. Batres, minister from Guatemala to the United States.

These letters report an attempt on the part of the Salvadorian authorities at La Libertad to force the captain of the Pacific Mail steamer Granada to give up certain of his passengers, Señor Batres among them.

It would appear that it having become known that a boat and a certain sum of money, to be used for political purposes in Honduras, were on board the Granada and bound for Amapala, the comandante endeavored to compel Captain Connolly not only to give up the boat and crew of five men, but also the Guatemalan minister to Washington, Señor Antonio Batres, or to pledge himself not to touch at Amapala, threatening him and refusing to give him his clearance unless he should comply. This the captain declined to do, and threatened to use his revolver.

In face of this determined attitude a compromise was made, and the captain agreed to communicate with Captain Dow, the agent at Panama, on which promise he was allowed to proceed. At the same time President Zaldivar telegraphed me requesting that the captain be instructed to return the men to San José de Guatemala, in order to avoid an act of hostility being committed against his Government. I did not consider it necessary, however, to comply with this request.

The Government of Salvador, I would add, makes continual use of these steamers for the transport of munitions of war; and the Honduras

lately brought from Corinto 33 boxes of arms and 130 cases of cartridges consigned to Dr. Zaldivar at La Libertad.

The other Republics also do not hesitate to avail themselves of them, and the same steamer Honduras carried from Punta Arenas (Costa Rica) to Corinto 57 boxes of arms and accouterments consigned to the Nicaraguan Government.

I am, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 325.]

Mr. Leverich to Mr. Hall.

GUATEMALA, *March 20, 1885.*

DEAR SIR: Referring to our conversation of this evening, I would state that Captain Connolly informed me at La Libertad that on his return to Acajutla from America, Mr. Noltenius, this company's agent there, refused to give him his clearance unless he would agree to proceed direct from La Libertad to Punta Arenas and not deviate from his voyage by going to Amapala, and requested him to sign a document to that effect to satisfy the comandante of the port. This Captain Connolly positively refused to do, when Mr. Noltenius told him the comandante with six soldiers was outside the door and that he could not go on board his ship. The captain braced himself against the wall, and said he had a six-shooter with him and that he was a dead-sure shot; that he would shoot him (Noltenius) first, the comandante next and then four soldiers, and by that time the others would have run; besides he had plenty more cartridges with him. This argument had the effect of cooling Mr. Noltenius' ardor, and the captain finally consented to communicate with Captain Dow, Panama, by cable, from La Libertad, on which promise the agent gave him his clearance.

This is the sum and substance of the affair as related to me by Captain Connolly.

I am, &c.,

T. S. LEVERICH,
Special Agent Pacific Mail Steamship Company.

[Inclosure 2 in No. 325.—Translation.]

Señor Batres to President Barrios.

ON BOARD STEAMSHIP GRANADA,
March 16, 1885.

SIR: Last night the captain of the steamer called me to inform me that the sending of the money to Amapala was well known in Salvador, and that the comandante of the port of La Libertad, where we are now, had exacted the giving up of the boat, of its crew, and of Ubico and myself as revolutionists, to which said captain refused. Then they wished to make him sign a document in which he promised on his word of honor not to carry out the agreement made with Don Delpino, because it violated the laws of neutrality, which document he also refused to sign. Then the agent of the company threatened to keep him prisoner, and that permission to continue his voyage would not be given him, to which the captain replied that he would kill six men with his revolver before such a thing should take place. The said captain showed himself very much angered, and has just received a long protest from Don Pedro Melendez, whom he disembarked yesterday at Acajutla.

In this protest they tell him that he himself confessed having made the agreement with Minister Sanchez for \$1,000. I told the captain that as yet there had been no declaration of war on which grounds it could be protested that neutrality must be maintained, and I used many other arguments. They returned to request that we be given up, and the captain telegraphed to Captain Dow and to New York.

I think there will be no further news, but it might well happen that, owing to circumstances, Ubico could not disembark in Amapala.

Among many lies which are circulated in the port and through Salvador, they say that the Government of the United States has sent a vessel of war to San José de Guatemala, and that Amapala is occupied by the Nicaraguan troops.

Not having further news, I am, &c.,

ANTO. BATRES.

[Inclosure 3 in No. 325.—Translation.]

*President Zaldivar to Mr. Hall.*SAN SALVADOR, *March 16, 1885.*

Minister HALL: The steamer Granada has on board a boat, five sailors, and hostile elements for disembarkation at Amapala. The captain allows that he agreed to change his regular route on this account for \$1,000, which Minister Delfino Sanchez offered him. I beg you to give orders that he transship them and their boat and elements, in order that they return to San José de Guatemala, thus avoiding that this act of hostility be committed against this Government, without detriment to the protest which this Government will make.

Yours, &c.,

R. ZALDIVAR.

No. 60.

Mr. Hall to Mr. Bayard.

No. 326.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, March 25, 1885. (Received April 18.)

SIR: With reference to my dispatches Nos. 311 and 314, of January 22 and February 5, respectively, I now inclose a copy of a letter from the consular agent at Livingston to Mr. Whitehouse, reporting the visit of the U. S. S. Swatara to that port.

From Mr. Sarg's letter it will be seen that a board of naval officers inspected the sanitary condition of the laborers, investigated the causes of their destitution, and conversed with the contractors and many of the laborers.

The comandante of Puerto Barrios and the jefe politico of Livingston were also visited, the object of the Swatara's visit explained to them, and promises for the more efficient protection of Americans elicited.

Mr. Sarg also considers the moral effect produced by the Swatara's appearance as highly beneficial, and as duly appreciated both by the resident Americans and the native authorities.

The Swatara took thirty-eight destitute men from Livingston, and proceeded to Puerto Barrios to collect others.

I have, &c.,

HENRY C. HALL.

[Inclosure in No. 326.]

*Mr. Sarg to Mr. Whitehouse.*LIVINGSTON, *March 17, 1885.*

SIR: The U. S. S. Swatara, Commander J. C. Wiltse, anchored off this port on the morning of the 13th instant. The commander had instructions to take off sick and destitute Americans, and foreigners worthy to be taken, and wishing to return to the United States. A board of naval officers was appointed to inspect the sanitary condition of the men, investigate the causes of their destitution, and decide on their claim to relief.

I accompanied Commander Wiltse to Port Barrios, where the hospital was inspected, together with the jefe politico of this department, Don José Ma. Ardon. Mr. Shea, of Shea, Cornick & Co., was interviewed, as also many of the laboring men about the place, and general information tended to show that matters have undergone a material change for the better ever since the management of the line has been put in the hands of Captain Grant, who has expressed his entire satisfaction as to the proceedings of Commander Wiltse, and far from seeing an undue interference in the mission of the Swatara, has assured the commander that his railroad enterprise will be as

much benefited by her appearance as are the men she is now carrying back to New Orleans.

A visit was paid to the comandante of Port Barrios and to the jefe politico of this town, the object of the ship's visit explained, and a solemn promise received from these officials to protect American citizens residing in their jurisdiction in a more efficient manner than heretofore, and it was enjoined on them to inform their Government that the United States insisted on the laws of this country being strictly adhered to whenever they protected the welfare of Americans. Manifestations of the character cannot be evaded by Guatemala as long as her Government persists in maintaining incapable officials in responsible positions.

The moral effect produced by the Swatara's appearance is highly beneficial, and is appreciated by all resident Americans, who have charged me to express to you and to Commander Wiltse their sincere recognition of your respective actions.

The Swatara has to-day taken on board from here thirty-eight destitute men, Americans and foreigners, without discrimination of nationality, will proceed to-morrow morning to Port Barrios to pick up those that may have collected there, and will sail for New Orleans direct on the morning of Thursday the 19th instant. Inclosed please find list of officers.

I am, sir, &c.,

J. F. SARG.

No. 61.

Mr. Hall to Mr. Bayard.

[Extract.]

No. 327.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, March 26, 1885. (Received April 18.)

SIR: With reference to my dispatch No. 322 of the 14th instant, I have the honor to inclose copies * * * and translations of the telegrams which have passed between the President of Nicaragua, the minister for foreign affairs of Honduras and others, and myself, since the 19th instant. These show what has been done and the efforts that have been made in attempting to carry out the views expressed in your telegram of the 11th instant, to wit, "that the United States stand ready to exert their influence to avert a conflict and promote peace."

These steps, which have been taken without my special instruction, other than the foregoing, I trust will meet your approval. Aside from the ground of humanity, our citizens have large interests in these countries, in Guatemala especially; these interests are threatened with serious injury, if not with ruin, in the event of war, which now seems imminent. I confess, however, that while the efforts which have been made may tend to postpone the conflict, I have little hope that it will be averted and peace promoted.

In my dispatch above mentioned I referred to an interview with President Barrios, at which he gave assurances that he would not invade Salvador, and that Honduras would observe the same conduct in regard to Nicaragua.

On the 19th instant I informed President Cardenas that I was making efforts, through my Government, in favor of peace; that President Barrios had promised that neither Guatemala nor Honduras would invade Salvador or Nicaragua, if the two latter should observe the same conduct towards the other states. He replied, on the 23d, that Nicaragua had abstained from invading Honduras and that Salvador would remain solely on the defensive. He adds, however, that he knows positively that Bogran is advancing to invade Salvador. I transcribed

these telegrams to the minister of foreign affairs of Honduras, who in reply, dated yesterday, gives assurances that there is no such intention on the part of General Bogran. He declares also that Salvador and Nicaragua were the first to send their forces to the frontiers; notwithstanding, Honduras will take no imprudent step. In a second dispatch he transcribes a telegram from General Bogran confirming these assurances.

Copies of other communications between Presidents Bogran and Barrios, and from the latter to his minister, Señor Cruz, are appended to the inclosure. From these it is to be inferred that should hostilities take place the responsibility will fall on Salvador; that Zaldivar has sent an Indian outlaw named Baraona with a force of 400 Salvadorians into Honduras with the view of promoting a revolution among those of his class, and that he (Zaldivar) had also sent a band of 200 criminals into Guatemala to maraud and plunder.

The two telegrams of yesterday from Minister Zelaya, of Honduras, were transmitted at once to President Cardenas, and their receipt has been acknowledged to-day.

As I have informed you in my dispatch No. 322, and in my telegram of the 18th instant, Barrios, since he has realized that he will not be supported by Zaldivar, has manifested a willingness, and even a desire, to withdraw from his present position.

* * * * *

In the mean time the Mexican minister and suite have gone to Salvador, and the legation is closed, but the family of the minister remain here. The British and German ministers have informed me that they have applied to their respective Governments for naval vessels, to be stationed on the Pacific coast of these states.

I have, &c.,

HENRY C. HALL.

[Inclosure in No. 327.—Telegrams.]

Mr. Hall to President Cardenas.

UNITED STATES LEGATION,
Guatemala, March 19, 1885.

President CARDENAS, *Managua*:

Ever since my return from Nicaragua I have been making efforts, through my Government, to avert a conflict. President Barrios offers me that until my Government is heard from neither Guatemala nor Honduras shall invade Salvador or Nicaragua, if on the part of the two latter the same conduct shall be observed respecting Guatemala and Honduras.

I hope you will concur with me that this proposal is reasonable and convenient, in which case Nicaragua will undertake no invasion of Honduras. Please answer.

HALL.

President Cardenas to Mr. Hall.

[Translation.]

MANAGUA, March 23, 1885. (Received in Guatemala at 8.10 p. m.)

Minister HALL, *Guatemala*:

My Government, in deference to your suggestion, has abstained from invading Honduras, and influenced Salvador to maintain herself solely on the defensive; but to-day I know positively that General Bogran advances with forces to invade Salvador, and I inform you in order to save every responsibility for the consequences. Please acknowledge receipt.

“CARDENAS.

Mr. Hall to Señor Zelaya.

[Translation.]

GUATEMALA, *March 24, 1885.*

Minister ZELAYA, *Tegucigalpa :*

I answer your telegram of to-day, informing you that under date of yesterday, President Cardenas, of Nicaragua, telegraphs me the following :

“My Government, in deference to your suggestion, has abstained from invading Honduras, and influenced Salvador to maintain herself solely on the defensive; but to-day I know positively that General Bogran advances with forces to invade Salvador, and I inform you in order to save every responsibility for the consequences. Please acknowledge receipt.

“CARDENAS.”

I beg that you will give me the facts in regard to the invasion of Salvador by Honduranian forces; if true, my friendly influence to avoid a conflict and in favor of peace will avail nothing.

HENRY C. HALL.

[Translation.]

Señor Zelaya to Mr. Hall.

TEGUCIGALPA, *March 25, 1885.*

Minister HALL, *Guatemala :*

To-day I have received your telegram, for which I thank you. General Bogran has done nothing more than to move to Nacaome and Cholateca to take command of the army; but I assure you, and am answerable to you therefor, that he will not invade Salvador nor Nicaragua. The Governments of these states were the first to send forces to the frontier. Ours have not moved from Nacaome and Cholateca. You can use your friendly influence with the assurance that Honduras will take no imprudent step, and will wait to be attacked.

JERONIMO ZELAYA.

Señor Zelaya to Mr. Hall.

[Translation.]

TEGUCIGALPA, *March 25, 1885.*

Minister HALL, *Guatemala :*

In confirmation of the telegram I addressed to you two hours ago, I transcribe to you the following just received from General Bogran :

“NACAOME, *March 25, 1885.*

“Minister ZELAYA :

“In consideration of the good offices of Mr. Hall, I shall restrict myself to guarding the frontier until the result of his mediation be known; but it will not be possible to maintain indefinitely an armed and expectant attitude, which paralyzes all operations and occasions heavy expenditures. Zaldivar has Baraona (an Indian chief of Honduras) in Pasaquina, threatening the tranquillity of these people. Taking into account the character of that chief, he cannot be trusted to respect Honduranian territory, even should he have orders to that effect, so that should any excision arise, which I shall not at present initiate, the blame and responsibility must be charged to Salvador.

“BOGRAN.”

I am, your obedient servant,

JERONIMO ZELAYA.

NOTE.—Under the same date, 25th instant, the last two telegrams from Señor Zelaya, minister for foreign affairs of Honduras, were transcribed to President Cardenas of Nicaragua.

The following are translations of telegrams sent to Mr. Hall by Minister Cruz, of Guatemala:

President Bogran of Honduras to President Barrios.

TEGUCIGALPA, March 21, 1885.

I have just learned that Zaldivar (President of Salvador) has armed the Indian Baraona with the object of revolutionizing Honduras.

BOGRAN.

Same to same.

TEGUCIGALPA, March 21, 1885.

I confirm my telegram of this morning. I leave for the frontier within an hour. My plan is purely defensive; but if I am invaded I shall invade.

BOGRAN.

President Barrios to Minister Cruz.

AZACUALPA, March 24, 1885.

In answer to your telegram I have to inform you that Bogran telegraphs me that Baraona with 400 Salvadorians has invaded Hondurian territory, this is the conduct the separatists observe, and according to a dispatch from the Commandant Chiquimula, just received, they may invade Guatemala. This invasion they expect to make with a force under Lieut. Col. José Palacios. Zaldivar, as you know, is not a man whose word affords any guarantee.

BARRIOS.

Same to same.

RIO DE PAR, March 25, 1885.

Go personally to Minister Hall and tell him that in this place on the way to Jutiapa, I have received a dispatch from the commandant of Chiquimula, informing me that 200 armed Salvadorians have passed the line, and in consequence I have given orders that they be followed up not only in our territory but also, in Salvador as they are a band of criminals armed by the Salvadorian Government with the object of plunder.

BARRIOS.

Mr. Hall to Señor Zelaya.

GUATEMALA, March 25, 1885.

I have received your two telegrams of to-day and transcribed them at once to Doctor Cardenas, and will inform you the result. I thank you for the courtesy with which my suggestions have been received.

HENRY C. HALL.

Señor Zelaya to Mr. Hall.

TEGUCIGALPA, March 26, 1885.

I thank you for your telegrams, and await news of the result of your friendly offices, which you offer to communicate to me.

JERONIMO ZELAYA.

President Cardenas to Mr. Hall.

MANAGUA, March 26, 1885.

I thank you for your efforts to arrest conflict. Our forces on the frontier of Honduras have received no orders to invade.

CARDENAS.

No. 62.

Mr. Hall to Mr. Bayard.

No. 329.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, March 26, 1885. (Received April 18.)

SIR: On the 24th instant I received your telegram of the 23d asking what foundation there was for the rumor that foreign treaties with Central American States had been declared void by the President of

Guatemala, to which I replied that it had been officially declared by the minister for foreign affairs of Guatemala that the decree of the President of Guatemala was never intended to apply and does not apply to any existing treaties with the Central American States.

I brought the subject of your telegram to the notice of the minister for foreign affairs and he immediately sent me the memorandum of which the inclosed is a copy; and the following day addressed a circular note to the foreign representatives in Central America, containing the same declaration that I communicated in my telegram referred to. He declares that the decree has in no way affected, nor does it affect, any treaty signed before the 28th February, 1885; that it refers solely to treaties signed after that date; that the decree was promulgated when it was believed the union would be accepted by the states; this belief was founded upon the public manifestations and promises made in advance by the President of Salvador, and was intended to embrace such states only as should adhere to the compact. In other words, the article referred to is null and void, as is the decree itself, so far as it concerns the states of Salvador, Nicaragua, and Costa Rica, which have not accepted, and in all probability will not accept it.

I am, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 329.—Translation.]

Señor Cruz to Mr. Hall.

MEMORANDUM.

The minister for foreign affairs of the Republic of Guatemala has the honor to inform Mr. Henry C. Hall, envoy extraordinary and minister plenipotentiary of the United States in Central America, that there is no declaration on the part of the President of Guatemala in which it is pretended to annul the treaties concluded with any of the states of Central America before the 28th of February last.

The decree of that date states that those which may be concluded will not be recognized—that is, those which shall be signed after that day; but even that was with the belief that the union would be accepted at once by virtue of the premises made beforehand by Dr. Zaldivar, and never having a wider interpretation than that of including only the states which pronounced in favor of the union; so much so that this immediate adhesion not having taken place, and in view of its taking more or less time in bringing it about, it has been communicated to the diplomatic representatives who have made any inquiry in that respect, that no objection is made, nor will be made in any case, to any treaty concluded even after the date of the decree, and even should it be with Honduras, which at once embraced the cause of the union.

Furthermore, the undersigned has instructions from General Barrios to confirm to the American minister the same, of which he has personally assured him, that neither to-day, nor under any circumstance, and least of all if the union be effected, no difficulty of whatever nature will be placed in the faithful and full accomplishment of any treaty, previous or posterior to the 28th of February, made by the United States with any of the Republics of Central America. On the contrary, his desire is not only that all of them be observed, but that they contain concessions more liberal and ample in every sense for the Government and people of North America. He has instructions not only to repeat this, but also that the President of Guatemala will hear with the greatest satisfaction any indications which come from the Government of the United States concerning the subject of the union.

FERNANDO CRUZ.

GUATEMALA, March 24, 1885.

[Inclosure 2 in No. 329.—Translation.]

Señor Cruz to Mr. Hall.

GUATEMALA, March 25, 1885.

MR. MINISTER: The Government having had information that various interpretations have been given to article 9 of the decree of the 28th of February last, in which reference is made to negotiations concerning territory, international treaties,

and national loans or foreign such, it has been considered indispensable to explain the sole sense of the referred to article; and with this view I have received special and decisive instructions from the President to accomplish it, in his name and in that of the Government, in the terms which I am about to have the honor of submitting to you.

In the first place, the article mentioned has not affected nor affects in any way any treaty signed before the 28th of February, 1885, by Guatemala or by any other of the states of Central America with any other nation, because it expressly refers to those concluded, that is, signed after that date, and in no case to those already existing or signed before.

Secondly. Even the declaration that those signed after the 28th of February would not be recognized was with the supposition that the Union was going to be accepted at once, as was to be supposed by the manifestations of public opinion, and on account of the promises made beforehand, among others, by the ruler of Salvador; and always, without a greater range than that of including the states which adhered immediately to the proclamation of the union which has been made.

In conformity with that which I have explained, and there being delay on account of the failure of the ruler of Salvador to carry out his promises in the immediate adhesion which was expected, I have already had the honor to inform those diplomatic representatives who have made any inquiry on this subject—and it is a pleasure to me to confirm it now—that no objection can be made by Guatemala nor will be made in any case, and even less so after the accomplishment of the union, to any treaty made between the nations they represent and Guatemala or another of the states of Central America, even if it should be signed after the date of the decrees.

In virtue of that which is just expressed, article 9 of the decree of the 28th of February last includes solely and exclusively the negotiations which are expressed in it, that are made by any of the states which adhere to the proclamation of the union of Central America, after the date of their adhesion, and without the consent of the others which are already in it.

I beg of you to be pleased to take note of this declaration, which explains officially what is the sense of the referred-to article; and that, should you deem it well, you will bring it to the notice of your Government in whatever form you may think proper.

I am, &c.,

FERNANDO CRUZ.

No. 63.

Mr. Hall to Mr. Bayard.

No. 330.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, March 26, 1885. (Received April 18.)

SIR: With reference to my dispatches No. 322 and No. 327, the latter of this date, I have the honor to inclose herewith, and to invite your attention thereto, copies of two letters from the consul of the United States at Nicaragua, wherein he reports upon the general state of affairs consequent upon the recent decree of the President of Guatemala, and the hostile attitude of the Government of Nicaragua to its enforcement.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 330.]

Mr. Leavitt to Mr. Hall.

[Extract.]

UNITED STATES CONSULATE,

Managua, March 13, 1885.

SIR: I have the honor to herewith present a report on the general state of Nicaragua and the feeling of the people in the present unfortunate situation into which the proclamation of President Barrios has thrown the Central American Republics.

The country is profoundly agitated. Business is suspended. The sound of the bugle and the roll of the drum, as the soldiers and raw recruits march through the streets, are constantly heard, while eager crowds gather at the corners to hear the proclamations read when issued by the Government.

Prior to the receipt of intelligence from Costa Rica and Salvador as to the position those Governments would take on the proclamation of the President of Guatemala, the greatest uncertainty and alarm was felt for the ultimate result. Upon the receipt of telegrams, first from Costa Rica and then from Salvador, that these Governments would oppose Guatemala, anxiety and alarm gave place to joy, and when, later, a telegram was received from the Mexican Government denouncing in strong terms the step Guatemala had taken, the people were exultant, and on all sides "Death to Barrios!" was shouted by an excited populace. Troops are being rapidly recruited. It is stated that at present there are five thousand men under arms, and this number is being augmented. As fast as men are enrolled they are pushed forward toward the frontier of Honduras.

The Government has decreed that bank bills are legal tender and refuses to redeem them in silver; as a consequence, silver has suddenly disappeared.

It is proposed by the Government to issue fractional currency of the denominations of 50, 20, 10, and 5 cents.

On the 10th instant I called upon President Cardenas, and during my call a telegram from Salvador was handed him, stating that Salvador would furnish twenty thousand men.

The President stated to me that Nicaragua lacked arms and ammunition; that a cablegram had been sent to the Remington Arms Company asking for an immediate shipment of arms to Nicaragua. They replied it would require four months to fill the order and that they had none on hand.

* * * * *

At this interview he informed me that it was the intention of Nicaragua to invade Honduras and Guatemala for the purpose of deposing President Barrios, saying that the peace of Central American would never be assured as long as Barrios was President of Guatemala, and that he had communicated with the Governments of Salvador and Costa Rica for the purpose of securing their co-operation. Thereupon I immediately sent you the following telegram:

"Nicaragua President has just told me that the Nicaraguan Government intend invading Guatemala and Honduras, and have asked the co-operation of Costa Rica and Salvador."

In the afternoon of the same day a decree was issued declaring Nicaragua under martial law and I telegraphed you as follows:

"Nicaragua declared under martial law."

The Congress is adjourned until 1886. The President has been appointed commander of the army of Nicaragua, and ex-President Pedro Joaquin Chamono has been appointed provisional President.

All male citizens between the ages of eighteen and fifty are declared to be enlisted in the army.

On the 12th a proclamation was issued that Mr. Chamono had assumed the office and duties of provisional President.

To-day I learned that President Cardenas would leave Managua for Leon to take command of the army, and I sent you this telegram:

"Chamono assumed the duties of provisional President yesterday. Cardenas leaves to-morrow for Leon to take command of the army."

* * * * *

I am, &c.,

H. H. LEAVITT.

[Inclosure 2 in No. 330.]

Mr. Leavitt to Mr. Hall.

[Extract.]

UNITED STATES CONSULATE,
Managua, March 15, 1885.

SIR: * * * I have forwarded copies of all telegrams sent by me, except the last, which was sent by President Cardenas and placed by me in cipher. It was as follows:

"We expect rifles from Punta Arenas. Can you authorize the captain of the Honduras to take them to Corinto?"

"CARDENAS."

The President desired me to telegraph to the captain of the Honduras to take the rifles. I declined to so telegraph unless authorized by you. Whereupon the President desired me to send the above telegram. At the same time I told the President that I saw no reason why the Honduras should decline to carry articles, even though contraband of war, between two countries at peace with each other, although a state of war exists between them and a third, and I did not think the captain of the Honduras would object to take them.

I am in receipt to-day of a telegram from the captain of the U. S. S. Ranger that she will be in Corinto in a few days.

* * * * *

The Government seem to insist on invading Guatemala, and do not desire peace. It is rumored that they fear the good offices of the United States; that nothing will satisfy them unless Barrios is overthrown. Recruitings are going rapidly forward and new troops are being constantly hurried to the frontier; but the greatest number that Nicaragua can place in the field is 8,000, as there are no more arms.

The Government are issuing more paper money. Coin has disappeared, and already some of the people object to accepting paper, but are forced to under the decree.

President Cardenas postponed joining the army at Leon, but proceeds there to-day.

I am, &c.,

H. H. LEAVITT.

No. 64.

Mr. Bayard to Mr. Hall.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 27, 1885.

Mr. Hall is informed that the United States vessels on the north and south coasts have been ordered to protect the American interests in Central America.

No. 65.

Mr. Bayard to Mr. Hall.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 1, 1885.

Mr. Hall is informed that he has previously been authorized to offer the good offices of the United States in the interest of peace and to avert a conflict.

No. 66.

Mr. Hall to Mr. Bayard.

[Telegram.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
La Libertad, April 1, 1885. (Received April 1.)

Mr. Hall refers to the Department's telegram of the 11th ultimo, in which the influence of the United States is offered. He is of opinion that the exercise of his good offices will very probably prevent bloodshed, and, feeling great assurance that the result will be favorable, asks if he may use them.

No. 67.

Mr. Hall to Mr. Bayard.

[Telegram.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, April 2, 1885. (Received April 16.)

Mr. Hall informs the Department that a battle was fought to-day (the 2d) between the forces of Salvador and Guatemala, in which the President of Guatemala was killed. He says the diplomatic corps has proposed an armistice.

No. 68.

Mr. Hall to Mr. Bayard.

[Telegram.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, April 8, 1885. (La Libertad, April 9.)

Secretary of legation goes to Libertad to communicate with you. Communication from here not practicable. General Barrios killed battle on 2d. General Barillas named by National Assembly provisional President. A new ministry has been formed.

Barrios's death demoralized the army, caused a panic throughout the country. Guatemalan Government weak, vacillating. Great fear is entertained as to personal safety of certain obnoxious individuals. Numbers ask for asylum at this legation.

I shall remain at my post, come what may.

Secretary takes cipher.

HALL.

No. 69.

Mr. Whitehouse to Mr. Bayard.

[Telegram.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
La Libertad, April 10, 1885.

In acknowledging receipt of the Department's telegram of the 1st instant, Mr. Whitehouse says that the good offices exercised by Mr. Hall have been the means of preventing the assumption of the military dictatorship on the part of General Barrundia. He has been instrumental in prevailing upon the Government to adhere to legality, and, as a measure towards bringing about peace with Salvador, has advised a new ministry.

The legation's every effort is toward a prevention of a renewal of hostilities with Salvador and threatened anarchy in Guatemala. Strict neutrality has been maintained throughout.

The family of General Barrios left yesterday for San Francisco. It is expected that Barrundia will leave during next week.

Mr. Whitehouse has been assured by the Salvadorian Government that his communication with the Department will be unmolested. Upon this point he insisted. He thinks it possible that, if urged by the United States, the President of Salvador would consent to peace. He (Mr. Whitehouse) is on board the U. S. S. Wachusett.

No. 70.

Mr. Bayard to Mr. Whitehouse.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 11, 1885.

Mr. Whitehouse is informed that the attitude of the United States toward Salvador is the same as toward Mexico, and that Mr. Morgan has been telegraphed to the effect that a war between Mexico and Guatemala is deprecated by the United States.

No. 71.

Mr. Hall to Mr. Bayard.

[Extract.]

No. 336.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, April 11, 1885. (Received May 5.)

SIR: I have time by this mail only to make a cursory report of the principal events which have transpired here during past fortnight.

* * * * *

The advanced forces of Guatemala and Salvador met at a place called El Coco on the 31st ultimo. The Salvadorians, according to the Guatemalan reports, were routed, with the loss of one field-piece, one mitrailleuse, and a considerable quantity of ammunition. The Guatemalans followed up their success by invading Salvador, and on the 1st instant met the intrenched forces of the latter at Chalcuapa. An engagement commenced the same day, was suspended at night, and renewed on the 2d. At about 11 that morning General Barrios was killed, while leading a charge against the Salvadorian intrenchments. His death caused a panic among his troops, which at once commenced a retreat. The Salvadorians, however, were in no condition to improve the advantages they had gained by Barrios' death. From that moment there appears to have been a complete cessation of hostilities, which have not been resumed.

* * * * *

There is now a greater feeling of confidence among the people, and tranquillity seems in a fair way to be restored.

Many families have left the country, among them the widow and family of General Barrios. * * *

Since writing the foregoing, a telegram from President Zaldivar announces that peace has been made between Honduras on the one part and Salvador, Nicaragua, and Costa Rica on the other. It only remains for Salvador and Guatemala to come to an arrangement, of which there is a probability.

I have, &c.,

HENRY C. HALL.

No. 72.

Mr. Bayard to Mr. Hall.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 13, 1885.

Mr. Hall is instructed to inform the minister for foreign affairs of Guatemala that the telegram of acting President Barrillas is acknowledged by the President, who urgently recommends that the present difficulties be brought to a peaceful termination.

No. 73.

Mr. Whitehouse to Mr. Bayard.

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
La Libertad, April 14, 1885. (Received May 5.)

SIR: I have the honor to acknowledge the receipt of your cablegram of the 11th instant informing me of the attitude of the United States in regard to the threatened war between Mexico and Guatemala, and the continuance of the war existing between Salvador and Guatemala.

Not considering myself as vested with the diplomatic character necessary to address President Zaldivar on the matter without special instructions, and not being at that time in communication with Mr. Hall, I cabled you on the 12th, to the effect that peace had been declared between Salvador and Honduras, and inquiring whether you thought it advisable that I should see the President of Salvador in reference to Department's dispatch of the 11th.

Up to date I have received no answer.

This morning, communication being re-established, I telegraphed the contents of your cablegram to Mr. Hall in plain words, in order that the Government of Salvador might become cognizant of the sentiment therein expressed.

I am, &c.,

H. REMSEN WHITEHOUSE.

No. 74.

Mr. Whitehouse to Mr. Bayard.

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
La Libertad, April 15, 1885. (Received May 5.)

SIR: Yesterday afternoon I received telegrams from President Zaldivar and Consul Duke of San Salvador, informing me that peace had been concluded between Salvador and Guatemala.

I therefore sent you the following cablegram:

Peace arranged with Salvador and Guatemala. Hostilities ceased between Central American States, and general amnesty proclaimed. Plenipotentiaries of allies meet Acajutla arrange definite treaty.

Pending the arrangement of this treaty, that of friendship existing before the war will remain in force.

I do not deem it improbable that these negotiations will lead to a union of the Central American States.

I am, &c.,

H. REMSEN WHITEHOUSE.

[Inclosure 1.—Translation.]

President Zaldivar to Mr. Whitehouse.

SANTA ANA, April 14, 1885.

In answer to your telegram of this date, I inform you with much pleasure that we are at present engaged in fixing the basis of peace between this Republic and that of Guatemala.

I am, &c.,

R. ZALDIVAR.

[Inclosure 2.—Translation.]

Mr. Duke to Mr. Whitehouse.

SAN SALVADOR, April 14, 1885.

I inform you that, according to a telegram from President Zaldivar, peace has been arranged between this Republic and that of Guatemala, conceding a full amnesty to all persons who took part in the revolution promoted by the decree of General Barrios concerning the Central American Union. Representatives of the five Republics will unite shortly at Acajutla to fix the basis of the final settlement of the difficulties pending, and until this takes place, the treaty of friendship which existed before the war between Salvador and Guatemala remains in force.

J. MAURICE DUKE.

No. 75.

Mr. Whitehouse to Mr. Bayard.

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
La Libertad, April 15, 1885. (Received May 5.)

SIR: The following telegram from Minister Hall, in Guatemala, has just reached me. As the information is substantially the same as I

cabled you yesterday, I consider it sufficient to communicate it by the mail, which is about to leave.

Say to Washington that, through the friendly good offices of the diplomatic corps accredited to Central American States, preliminary propositions in favor of peace have been accepted by Salvador and Guatemala, and that there is no probability of any renewal of hostilities.

I am, &c.,

H. REMSEN WHITEHOUSE.

No. 76.

Mr. Hall to Mr. Bayard.

[Extract.]

No. 337.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, April 15, 1885. (Received May 16.)

SIR: In the midst of the panic throughout Guatemala, the demoralization of the army, and the apparent helplessness of the Government, which followed the death of General Barrios, at the personal and earnest solicitation of Señor Cruz, the then minister for foreign affairs, the foreign representatives residing in this city met at this legation on the night of the 3d instant, with the object of rendering the Government any assistance in their power to avert the anarchy which then threatened the country. Señor Cruz was present, as was also General Barrundia, the minister of war.

After much discussion it was decided that, in view of the revocation of the decree of the 28th of February, and there being no motive for keeping up the warfare, with the object of averting further bloodshed, to propose to the Presidents of the several states an armistice of one month. The proposition was telegraphed the same night to President Zaldivar. By reference to the inclosure it will be seen that it was simply proposed to obtain a truce, leaving the Governments of the states to settle their differences in their own way.

President Zaldivar replied on the following day, the 4th instant, in a dispatch, in which he entered at length into the merits of the contest, and declared that he would give neither truce nor repose to Guatemala until the ministry of Barrios had disappeared; until Salvador and her allies had received a satisfaction and an indemnity, so far as possible, for the expenses and sacrifices they had been obliged to make in consequence of the decree above mentioned. It was evident that he desired to enter into a discussion of the merits of the contest, which the diplomatic body were not inclined to do.

The President of Honduras replied on the 6th, accepting the proposed armistice on the condition that the other states should also suspend hostilities.

No answers were received from Nicaragua or Costa Rica.

The diplomatic corps replied to President Zaldivar on the 7th instant, and expressed their regret that his Excellency had not seen fit to accept the armistice, which, in their opinion, offered an honorable means of terminating pending difficulties by negotiations for peace, and that, in regard to the terms and conditions of the peace, the neutral character of the corps prevented their expressing officially, any opinion.

To the latter President Zaldivar replied on the 10th instant, expressing regret that his refusal to concede an armistice had been understood as a non-acceptance of an honorable means of terminating pending difficulties with Guatemala through negotiations for peace; that nothing would have been more acceptable to him than the mediation of the foreign representatives; he then gives his reasons for not accepting their proposed armistice, and concludes by declaring that he had not refused and does not refuse any proposition leading to a definite and permanent peace, much less when coming through their friendly mediation.

On the 11th instant President Zaldivar telegraphed me personally, repeating what he had previously stated to the corps—that he had not provoked hostilities, nor did he refuse an honorable settlement, but that he required, in addition to the guarantee of the diplomatic corps, the presence of a new and independent *personnel* in the cabinet of Guatemala.

* * * * *

It would seem that up to the 11th instant, the date of his last-mentioned telegram, President Zaldivar had not been informed of the change of ministry here. As to any guarantee of the foreign representatives, the idea was not for a moment entertained by any of them, nor to discuss with him the merits of his dispute with Guatemala. Their object was to avoid bloodshed and to promote peace in the interest of humanity.

On the 12th instant President Zaldivar informed me that Honduras had entered into a treaty of peace with the other states, and that it would be equally satisfactory to him to terminate the difficulties still pending with Guatemala, to which end he would be glad to have the mediation of the diplomatic corps.

The two last mentioned telegrams from President Zaldivar were acknowledged by me on the 12th, suggesting to him that inasmuch as the present Government of Guatemala and himself were inspired by the same sentiments, I had no doubt they would come to an honorable settlement, to which I promised him my own aid and that of the diplomatic corps.

Again, on the 13th instant, President Zaldivar communicated by telegraph to the several members of the diplomatic corps, thanking them for their friendly offices, expressing his opinion that an honorable settlement, upon which so many interests depend, would be possible, and substantially requesting them to propose the bases for a treaty of peace and to communicate the same to him by telegraph. Acting upon this invitation, my colleagues came together again at this legation, and decided to send to the President the following :

* * * Under existing circumstances, the diplomatic corps, acceding to the expressed wishes of your Excellency, with the same motive of averting the effusion of blood and to facilitate the consummation of a treaty of lasting peace, as friends, propose to the five Governments that a frank and solemn declaration of peace and friendship, without conditions or reclamations of any kind, shall be made, and that an absolute amnesty be conceded to all those who are in any way implicated in political matters relating to this war.

After the foregoing bases for a treaty had been submitted to and approved by the President of Guatemala, they were transmitted by telegraph to the President of Salvador, and they have been unconditionally accepted by him. The two Governments have to day entered into communication with each other, and there remains no longer a doubt as to the termination of the troubles growing out of General Barrios' attempt to establish by force a union of the Central American States, and this has been brought about without imposing on any of them humiliating terms.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 337.—Circular telegram.—Translation.]

GUATEMALA, April 3, 1885.

The Presidents of the five Republics of Central America:

In view of the resolution adopted by the Assembly of Guatemala annulling the decree of the 28th of February, ultimo, the diplomatic body accredited to Central America proposes to the Governments of the five Republics, with the object of avoiding bloodshed, that hostilities be suspended and an armistice for one month be conceded.

HENRY C. HALL,

Minister of the United States.

WERNER VON BERGEN,

Minister of Germany.

MELCHOR ORDOÑEZ,

Minister of Spain.

J. P. H. GASTRELL,

Minister of England.

J. LE BRUN,

Chargé d'Affaires of France.

ANGELO MUTTINE,

Chargé d'Affaires of Italy.

[Inclosure 2 in No. 337.—Telegram.—Translation.]

President Zaldivar to diplomatic corps.

SANTA ANA, April 4, 1885. (Received in Guatemala at 11.40 p. m.)

I have received the telegram dated yesterday, in which you are pleased to communicate to me the resolution taken by the Assembly of that Republic declaring null the decree of the 28th of February, in virtue of which and with the noble aim of avoiding bloodshed, the honorable diplomatic corps, earnestly proposes that hostilities be suspended and an armistice of one month be granted.

I give, before all, due thanks to you for the earnest and humane interest which you manifest, although feeling that the friendly interference of the diplomatic ministers cannot be under the circumstances as efficacious as they desire nor can produce the proposed object.

I recall to you that not only Salvador did not provoke, but on the contrary endeavored to avoid by all possible means the unjust war which Guatemala has made; that confiding in the promise which was made to me through the American minister that the forces of Guatemala would not invade the territory of this republic if on our part we abstained from an invasion, I maintained with the forces of Salvador a defensive attitude, limiting myself to collecting them on the frontier in order to sustain, should occasion arise, the dignity of the Republic, and finally that the three battles which took place in El Coco, San Lorenzo, and Chalchuapa, on Salvadorian territory, are the best proof that not only on our part was fulfilled that which the promise demanded and the laws of civilization in the sad extremity of war, but also we knew how to brilliantly sustain our dignity and independence, repelling with arms the unjustifiable aggression of the Government of Guatemala. But when victory has crowned so splendidly our efforts, when the illustrious blood of so many Salvadorians dead on the field of battle has irrigated the soil of liberty, when the death of General Barrios places the stamp on our triumphs at the same time that it punishes the rash boldness of that military chief, would it be possible that I myself should eclipse the glories of Salvador, that I should render in vain the noble blood which has been shed, and deprive the Republic and all Central America of the advantages which it is in a position to obtain, and in the right to exact in order to insure its tranquillity, to indemnify itself for its heroic sacrifices and to prevent fresh attempts?

I think that the honorable diplomatic corps cannot desire it thus, all the more as this would be the sole result to which would lead the suspension of hostilities for a month which they propose to me in the telegram of yesterday which I am answering; on no account, the interests of Salvador and her allies bind me, and the most holy duty imposes on me not to take truce nor rest until the ministry of General Barrios disappears from the political scene of that Republic, until Salvador and her allies receive a complete satisfaction and that they be indemnified to the extent possible for the expenses and sacrifices to which they have been driven in consequence of the decree of the 28th of last February.

Without rejecting, therefore, the friendly offices of the honorable diplomatic corps, whom on the contrary I thank sincerely, I hope, in order to make them efficacious in

behalf of peace, avoiding further bloodshed, they may be carried out in the sense above indicated, serving as intermediary and as guarantee for the settlement of the conditions which will put a definite and advantageous stop to hostilities. I must state that neither Salvador nor her allies conceal any hostile intent against the brother people of Guatemala, whose fate interests them as much as their own, and that they only desire to treat concerning the conditions of a peace in which they can freely manifest their wishes, and to exercise by the same means their rights, this being from now the only object for which the forces of this republic are kept together.

I am, &c.,

RAFAEL ZALDIVAR.

The Diplomatic Ministers H. C. HALL, MELCHOR ORDOÑEZ, J. P. H. GASTRELL, WERNER VON BERGEN, J. A. LE BRUN, and ANGELO MUTTINE.

[Inclosure 3 in No. 337.—Translation.]

Acting President Leiva, of Honduras, to the foreign ministers residing in Guatemala.

TEGUCIGALPA, April 6, 1885.

I have received the telegram of your excellencies in which you urge me, with the view of suspending hostilities, that a truce for one month be conceded. I appreciate, as it merits, the humane and friendly solicitude of the ministers, and my Government on its part, wishing that there may be no more shedding of Central American blood, has acceded to the suspension of hostilities proposed by your excellencies, which promise shall take effect when it shall be known that the other belligerent Governments are of the same accord, which I trust your excellencies will be pleased to communicate to me, as also in regard to the negotiations for peace, which may be initiated.

I have, &c.,

PONCIANO LEIVA.

[Inclosure 4 in No. 337.—Translation.]

The diplomatic representatives to President Zaldivar.

GUATEMALA, April 7, 1885.

The diplomatic corps accredited to Central America has had the honor to receive your telegram of the 4th of this month, and observes with regret that your Excellency has not been pleased to accept the friendly proposition to concede an armistice for one month, which, in their opinion, offered an honorable means of terminating the pending difficulties through negotiations for peace. In regard to the terms of the proposed peace, the neutral character of the diplomatic corps prevents them from expressing officially any opinion.

Your obedient servants,

HENRY C. HALL,
WERNER VON BERGEN,
MELCHOR ORDOÑEZ,
J. P. H. GASTRELL,
J. LE BRUN,
ANGELO MUTTINE.

[Inclosure 5 in No. 337.—Translation.]

President Zaldivar to Henry C. Hall and others of the diplomatic corps in Central America.

SANTA ANA, April 10, 1885.

By your excellency's telegram of yesterday, just received, in answer to mine of the 4th instant, I notice with regret that my refusal to concede an armistice for one month is taken as a non-acceptance of an honorable means of terminating the difficulties pending with Guatemala, through negotiations for peace. Correcting this misunderstanding, I have the pleasure to make known to you that nothing would have been more grateful to me than to make use of the friendly mediation of the diplomatic corps for effecting

peace under honorable conditions, and my reason for declining with regret the armistice solicited was because in making that request nothing was suggested that would lead to the desired object; on the contrary, the probabilities were augmented that the strife would continue with more violence, and the one month's truce would afford the Government of Guatemala an opportunity to reorganize its forces. I confirm to the honorable diplomatic corps the favorable disposition that from the first I have met with to settle peacefully and honorably the difficulties pending with Guatemala, of which are an evident proof the steps that I took at the commencement to induce General Barrios to desist from his purpose; my attitude, purely defensive, under the promise of the American minister; and, finally, the fact that all the battles have taken place in Salvadorian territory in just defense of the rights of the Republic.

Your excellencies therefore know that I have not refused, nor do I refuse, any proposition that may lead to a definite and permanent peace—much less when coming through the friendly and respectable medium of the honorable diplomatic body.

I am, &c.,

RAFAEL ZALDIVAR.

[Inclosure 6 in No. 337.—Translation.]

President Zaldivar to Mr. Hall.

SANTA ANA, April 11, 1885.

I suppose you have already received my reply to the telegram of the diplomatic corps, dated the 3d instant. I repeat it under cover, adding that I have not provoked these hostilities, nor do I refuse to terminate them through a worthy and honorable settlement. I only demand to have faith in such a settlement, that in addition to the guarantee of the diplomatic corps that another should be given to this Government and to its allies by the presence of a new and independent *personnel* in the cabinet of Guatemala.

I trust that the bases they may propose will be communicated to me by telegraph.

I am, &c.,

RAFAEL ZALDIVAR.

[Inclosure 7 in No. 337.—Translation.]

President Zaldivar to Mr. Hall.

SANTA ANA, April 12, 1885.

With pleasure I inform you that yesterday at 6 p. m., in the town of Namasasigare, Honduras, peace was signed between the Republic of Honduras and the Republics of Salvador, Nicaragua, and Costa Rica, thus avoiding on that side further effusion of blood. It would be equally satisfactory to me to terminate the difficulties still pending with Guatemala, to which end I shall see with pleasure the friendly mediation of the diplomatic corps.

On my part, I renew to you the assurance that I will accept favorably every initiative conducive to that important object.

I am, &c.,

RAFAEL ZALDIVAR.

[Inclosure 8 in No. 337.]

Mr. Hall to President Zaldivar.

GUATEMALA, April 12, 1885.

To-day I have addressed you a telegram acknowledging the receipt of yours of the 10th and 11th instant. I have now the pleasure to acknowledge the receipt of yours of to-day, announcing that peace has been signed between Salvador, Nicaragua, Costa Rica, and Honduras. In view of the disposition of the present Government of Guatemala, which inspires the necessary confidence, and the good intentions you have manifested, I have no doubt that the two Governments will come to an honorable and satisfactory settlement. I believe the aid of the diplomatic corps can be depended upon. I assure you that I shall do everything in my power to that end.

I am, &c.,

HENRY C. HALL.

[Inclosure 9 in No. 337.]

President Zaldivar to Mr. Hall.

SANTA ANA, April 13, 1885.

I thank you for your good offices. Considering the friendly disposition of the Government of Guatemala and my own, I have no doubt it would be feasible to come to an honorable settlement, and as upon this depend so many interests, I would like that by telegraph we fix upon the principal bases, so that not only hostilities may be suspended, but also the movement of forces.

Men of order in all Central America will notice with gratitude the efforts of yourself and of the honorable diplomatic corps in favor of peace, and hoping that you will communicate to me whatever may be done to retain it,

I remain, &c.,

RAFAEL ZALDIVAR.

[Inclosure 10 in No. 337.—Translation.]

The foreign representatives in Central America to President Zaldivar.

GUATEMALA, April 13, 1885.

The undersigned members of the diplomatic corps accredited to Central America have had the honor to receive the telegrams of your Excellency dated the 10th and 12th instant.

Under existing circumstances the undersigned, acceding to the expressed wishes of your Excellency, with the same motive of avoiding the effusion of blood and to facilitate the consummation of a treaty of lasting peace propose, as friends, to the five Governments that a frank and solemn declaration of peace, without conditions or reclamations of any kind, shall be made, and that an absolute amnesty be conceded to all those who are in any way implicated in political matters relating to this war.

We are, &c.,

HENRY C. HALL,
WERNER VON BERGEN,
MELCHOR ORDOÑEZ,
J. P. H. GASTRELL,
J. LE BRUN,
ANGELO MUTTINI.

[Inclosure 11 in No. 337.—Translation.]

President Zaldivar to the diplomatic corps.

SANTA ANA, April 14, 1885.

I respond with pleasure to the telegram of your excellencies of yesterday's date, this moment received, in which, with the desire to avoid further effusion of blood and for conciliation, you propose, as friends, to the five Republics that they enter into a treaty of lasting peace, that without conditions or reclamations of any kind a frank and solemn declaration of peace be made, and that an absolute amnesty be conceded to all those who are implicated in political matters relating to this war.

Inspired by the same sentiments your excellencies manifest, and in view of the acceptance of the President of Guatemala, I on my part, and in the name of Salvador, accept the propositions you are pleased to make me, and I to-day invite all other allied Governments to make one identical declaration; but without prejudice to this declaration I would wish, as soon as practicable, the representatives of both Governments to meet in Acajutla, to make a definite treaty of peace, declaring in force, in the mean while, the stipulations and franchises of the treaties which were in force before the 28th of February ultimo.

I renew to your excellencies my thanks for your friendly mediation, and repeat that I remain, &c.,

RAFAEL ZALDIVAR.

No. 77.

No. 239.]

Mr. Bayard to Mr. Hall.

DEPARTMENT OF STATE,
Washington, April 16, 1885.

SIR: I herewith transmit, for your information, having regard to previous correspondence, the inclosed copy of a letter from the Acting Secretary of the Navy, of the 20th ultimo, in regard to the destitute Americans in Guatemala.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 239.]

Mr. Walker to Mr. Bayard.

NAVY DEPARTMENT,
Washington, March 20, 1885.

SIR: I have the honor to transmit herewith a communication from Rear-Admiral James E. Jouett, commanding the United States naval force on the North Atlantic station, covering a dispatch with accompanying documents from Commander Wiltse, of the *Swatara*, with regard to the destitute Americans in Guatemala.

These papers are sent you for the information of the Department of State, and after their perusal I have to request that they may be returned to this Department.

Very respectfully,

J. G. WALKER,
Acting Secretary of the Navy.

[Inclosures in inclosure in No. 239.]

Rear-Admiral Jouett to Mr. Whitney.

NORTH ATLANTIC STATION,
UNITED STATES FLAGSHIP TENNESSEE (FIRST RATE),
New Orleans, La., March 26, 1885.

SIR: I have the honor to inform the Department that the U. S. S. *Swatara* arrived here from Livingston, Guatemala, at half-past 4 o'clock yesterday afternoon.

I forward herewith a copy of Commander Wiltse's report in regard to the destitute Americans in Guatemala, and also a copy of the proclamation issued by President Barrios; also letter from United States consular agent to Commander Wiltse.

I take pleasure in stating that Commander Wiltse has performed the duty on which he was sent to Guatemala in a very prompt and thorough manner.

I am, &c.,

JAS. E. JOUETT.

Commander Wiltse to Rear-Admiral Jouett.

U. S. S. SWATARA (THIRD RATE),
Livingston, Guatemala, March 19, 1885.

SIR: I have the honor to report that in obedience to your order of the 4th instant the *Swatara* sailed from New Orleans on the 5th and arrived off Livingston, Guatemala, on the 13th. I immediately placed myself in communication with our consular agent, Mr. Sarg, and the jefe politico, Don José Maria Ardon, in reference to the distressed and sick American citizens and foreigners in and about Livingston and Port Barrios. I also appointed a board of officers, consisting of Surgeon T. N. Penrose and Lieut. T. T. Wood, to investigate the claims of these distressed people in Livingston, Port Barrios, and vicinity. I found 78 distressed and suffering people in need of medicine, &c., whom I took on board ship.

Many complaints were made by the workmen against the contractors of the railroad of ill-treatment and non-payment. These were strongly denied by the contractors.

It is difficult to form a correct opinion of the matter, but I think that there are faults on both sides. The jefe politico, Don José Maria Ardon, of this department assured me that he would use every effort in his power to have the rights of American citizens protected by the laws of the country.

In the performance of this duty our consular agent, Mr. Sarg, rendered me great assistance. But for the timely arrival of the ship, I think a great many of the men I have on board would have died.

President Barrios of Guatemala has issued a decree declaring the union of the five Central American States, Guatemala, Honduras, Salvador, Nicaragua, and Costa Rica. I inclose his decree. I think that this act will eventually lead to a war between these states.

I inclose herewith the report of the board of officers; also a copy of a letter addressed to me by the American consular agent.

I shall sail for New Orleans this afternoon.

I am, &c.,

G. C. WILTSE,
Commander, United States Navy, Commanding.

Lieutenant Wood and Surgeon Penrose to Commander Wiltse.

U. S. S. SWATARA (THIRD RATE),
Off Livingston, Guatemala, March 19, 1885.

SIR: In obedience to your order of the 13th instant, a copy of which is hereto appended, marked A, directing us to ascertain the condition of the destitute American and foreign citizens in the vicinity of Livingston and Puerto Barrios, Guatemala, &c., we beg to state that we have performed the duty assigned us, and respectfully submit the following report:

On the 14th instant we visited Livingston and inquired into the condition of all those presenting themselves for examination at that place. A preliminary statement was immediately made to you of their condition. Those needing it were prescribed for at the time of our visit, and food and medicine were sent on shore for their use pending your decision in their cases.

On the 16th instant, having received information from Mr. Sarg, the United States consular agent at Livingston, that others had arrived at that place, they were visited and their condition inquired into, and you were duly made acquainted with the facts pertaining to their cases.

On the 17th instant 38 men found at Livingston, Guatemala, were received on board this ship, and, after being washed, were supplied with clean clothing, mattresses, and blankets. All requiring it were placed under medical treatment immediately.

On the morning of the 18th, the Swatara proceeded to Puerto Barrios, Guatemala, and we immediately proceeded on shore and inquired into the condition of all those presenting themselves before us for examination. A preliminary statement of their cases was also made and presented to you for your decision.

On the 19th instant, 40 men were received on board from Puerto Barrios. Many of them were sick. After receiving a bath they were supplied with clean clothing and blankets; mattresses were also furnished until the supply was exhausted. Nearly all of these men were immediately placed under medical treatment.

In conclusion we beg to state that we were informed by Captain Grant, the chief manager of the railroad, who has but recently assumed control there, that everything will be done to further the interests of all workingmen connected with the road; a better hospital will soon be erected on higher ground near Sulphur Springs; that there are at this time no destitute persons there, as employment can be found for all those desiring it. This gentleman also stated that when men were taken sick they would be supplied with hospital treatment, and in cases where men are not likely to recover in that climate they would be sent back to New Orleans at the company's expense; that he had already sent 48 men back before our arrival.

In this connection we wish to state that from all reports received by us regarding the accommodations for the sick, as at present provided in the hospital not far distant from Puerto Barrios, they are to our minds entirely insufficient and unworthy the name.

We desire to acknowledge our indebtedness to Captain Grant and Consular Agent Sarg for assistance rendered us during our investigations.

Very respectfully, &c.,

THOMAS N. PENROSE,
Surgeon, United States Navy.
THEO. T. WOOD,
Lieutenant, United States Navy.

Commodore Wiltse to Surgeon Penrose and Lieutenant Wood.

U. S. S. SWATARA (THIRD RATE),
Livingston, Guatemala, March 13, 1885.

GENTLEMEN: You are hereby appointed a board to ascertain the condition of the destitute American citizens and foreigners in the vicinity of Livingston and Puerto Barrios, Guatemala.

You will find out those who are in immediate need of food, clothing, and medicine, also those who desire to return to New Orleans, and report the result of your investigations to me.

I am, &c.,

G. C. WILTSE,
Commander, United States Navy.

Mr. Sarg to Commander Wiltse.

UNITED STATES CONSULAR AGENCY,
Livingston, March 18, 1885.

SIR: I beg leave to congratulate you on the satisfactory completion and eminent success of your mission to this port in command of the U. S. S. Swatara.

The board of officers set down by you on the 13th instant, the day of your arrival, composed of Dr. T. N. Penrose and Lieut. T. T. Wood, has investigated the physical and sanitary condition of destitute and sick Americans and men of other nationalities who have been here and at Port Barrios in utter distress, anxious to return to the United States.

Prompted by a generous feeling so well becoming a representative of our wealthy nation you have furnished me with provisions to be distributed to these hungry unfortunates, and have offered them a free passage to New Orleans, without discrimination of nationality. You sail to-morrow with 78 of these men, who are deeply impressed with a sense of gratitude for this noble action on the part of the United States Government, and for the kindness received at your hands and those of your officers.

The causes of complaint which actuated your mission have been largely diminished by the fact that the entire management of the Guatemala Northern Railroad has been laid into the hands of Captain Grant, a Southern railroad engineer of high reputation, humane principles, and a thorough understanding of the race and class of men fitted for work in this climate. This gentleman has assured me that far from seeing a detrimental effect to his undertaking in the return of these distressed men, who in many instances have come out at his expense, he feels grateful to see them leave the country.

You have met the civil and military governor of this department of the "Free Zone," Don José Maria Ardon, and have received from him the verbal assurance that the rights and interests of American citizens will be always protected, particularly in cases where the laws of the country do so distinctly, and thereby avoid giving rise to grievances which have tended in the latter time to make my intercourse with him disagreeable and the cause of complaint. This functionary has requested me to communicate to you his gratification at seeing all questions cordially settled, and of having avoided a stain on the friendly relations existing with the United States, which are highly prized by his Government. Outside and above accomplishing all this, the moral effect produced by the appearance of the Swatara in this port can hardly be overrated. She is the first representative of the United States naval power that has shown upon this bay since more than forty years. You have had occasion to observe that there reside here a number of enterprising Americans, men of good social standing. All have expressed to me their great satisfaction at seeing you here, and wish me to report to headquarters the beneficial effect that the periodical appearance of a United States naval vessel would have on their interests, which are synonymous with those of the United States. I most heartily advocate this sentiment. It is an undeniable fact that a quiet, unostentatious display of power will in these Central American Republics accomplish more than diplomatic moves.

Allow me, commander, to express to you my admiration of the manner in which you have conducted proceedings. You have undoubtedly been the means of saving the lives of all the distressed men you have on board; you have cultivated friendly feelings with the authorities, and inspired confidence to American residents.

I am, &c.,

JAS. FREDK. SARG.

No. 78.

Mr. Hall to Mr. Bayard.

No. 338.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, April 17, 1885. (Received May 16.)

SIR: In continuation of my dispatch No. 337 of the 15th instant, I have the honor to report to you the result of the last act of mediation between the Governments of Guatemala and Salvador on the part of the foreign representatives accredited to Central America.

In that dispatch I reported to you the unconditional acceptance by President Zaldivar of the terms of peace submitted to him, at his request, on the 13th instant. This prompt acceptance merited and received from them a proper recognition, which was communicated to him in the following telegram, dated the 15th instant:

The diplomatic corps accredited to Central America greet your Excellency, and in acknowledging the receipt of your courteous telegram, congratulate your Excellency, the Government of Salvador, and the other Republics of Central America upon the satisfactory result of the mediation initiated by the corps in favor of peace.

The same day another telegram from President Zaldivar, addressed to the corps, was received; he transmitted with it a project of a decree declaring peace; a translation is inclosed herewith; he proposed also, that if accepted, it should be published simultaneously by the Governments of the several states. As this project is in consonance with the terms proposed by the diplomatic corps, it was at once submitted to the Guatemalan Government, and as promptly accepted, with the few modifications required by the different conditions existing here.

I inclose also a translation of a note, dated the 15th instant, from the minister for foreign affairs of Guatemala, with which he transmits a copy of the declaratory decree, No. 323, of the Guatemalan Government, issued in consonance with the above-mentioned project.

It is to be hoped that with these declarations of peace between Guatemala and Salvador, which it was proposed should also be made simultaneously by the other states, the difficulties between them will terminate. There is as yet, however, no positive assurance that such will be the result.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 338.—Translation.]

President Zaldivar to the diplomatic corps.

SANTA ANA, April 14, 1885.

As you will readily understand, every hour that passes in this state of war involves sacrifices and difficulties that we should endeavor to terminate as soon as possible, and being already in accord as to the declaration of peace, I take the liberty to submit, through your worthy mediation, to the Government of Guatemala the project of a decree relating to this matter, trusting that, if it should be accepted, I may be informed of the day on which it can be published by both Governments. I have also communicated it to the Governments of Nicaragua and Costa Rica, inviting them to adopt an identical determination.

I am, &c.,

RAFAEL ZALDIVAR.

PROJECT OF DECREE.

The executive power of the Republic of Salvador, considering:

(1) That the causes which placed this Republic in a state of war with the Republic of Guatemala having ceased through the revocation by the assembly of the latter of the decree of the 28th February last past, which proclaimed, *de facto*, the union of Central America, and by the death of General Don J. Rufino Barrios, who, for the purpose of carrying it out, assumed the military command of this Republic;

(2) That the allied Governments of Nicaragua and Costa Rica are animated by the same ideas in regard to interests of such vital importance, all having been in accord for the celebration of peace with the Republic of Honduras;

(3) That, through the medium of the honorable diplomatic corps accredited to Central America, a perfect understanding with the Government of Guatemala has been reached, the honorable basis of a firm and stable peace between the two Republics having been agreed to:

Therefore, in the exercise of the powers with which he is invested, he decrees:

ARTICLE 1. Be it declared that the Republic of Salvador returns to-day to peace with her sister and neighbor Republic, Guatemala.

ART. 2. Be it declared on the part of Salvador that the stipulations of the treaties with the Republic of Guatemala are in force as they were on the 28th of February last past, until a new treaty shall be made upon the same or more liberal bases, which establish the mutual relations of the two Republics.

ART. 3. Let ample and safe amnesty be conceded to all those Salvadorians who are implicated in the union cause, which the Government of Guatemala proclaimed on the 28th of February, and, generally, to all those Salvadorians now absent on account of political offenses.

ART. 4. Let a note expressive of national gratitude be communicated to the honorable diplomatic corps accredited to the Republics of Central America for their friendly and efficient mediation to obtain the re-establishment of peace among them.

ART. 5. Let Sunday next, the 19th instant, be designated for due solemnization of the re-establishment of peace with Guatemala.

ART. 6. The department of foreign relations is charged with the execution of the present decree, of which an account shall be given as soon as possible to the Legislative Assembly of the Republic.

Given in the National Palace, &c.

[Inclosure 2 in No. 338.—Translation.]

Señor Arroyo to Mr. Hall.

DEPARTMENT OF FOREIGN RELATIONS,
Guatemala, April 15, 1885.

MR. MINISTER: I have the honor to transmit to you a copy of decree No. 323, which the general in charge of the Presidency of the Republic, in the exercise of the executive power, issued to-day in the council of ministers.

It is very gratifying to me to transmit to you this document, in which you will be pleased to notice that, with great justice, it is disposed to communicate a note of thanks to the honorable diplomatic corps accredited in Central America for their friendly and efficient mediation to obtain the restoration of peace between the Republics of Salvador, Nicaragua, Costa Rica, and Guatemala.

Be pleased, &c.,

ANGEL MA. ARROYO.

DECREE NO. 323.

Manuel L. Barillas, general of brigade, in charge of the Presidency of the Republic, in exercise of the executive power, considering:

First. That by virtue of the revocation of the decree of 28th February, in which the Central American Union was proclaimed in the form therein expressed, and that by the death of the *Bene-Merito*, General Don J. Rufino Barrios, who for carrying out the same had assumed the military command of Central America, the causes that placed this Republic in a state of war with the Republics of Salvador, Nicaragua, and Costa Rica have ceased;

Second. That under such circumstances it becomes a patriotic duty to attract the peoples by sentiments of fraternity and concord, so that they may enjoy the blessings of peace, the first and most imperious of necessities;

8 FOR

Third. That the Governments of the Republics of Central America are animated by identical ideas as regards matters of such vital interest, and the Governments of Salvador, Nicaragua, and Costa Rica by mutual accord having made a peace with the Republic of Honduras, which adhered to the proclamation of the President of Guatemala;

Fourth. That through the friendly mediation of the honorable diplomatic corps accredited to Central America a perfect understanding with the Government of Salvador has been readily obtained, and the honorable bases of a firm and lasting peace between both Republics and the allies of the latter having been agreed to:

Therefore, in the exercise of the authority conceded to the Executive by decree No. 99 of the Legislative Assembly, and in accord with the council of ministers, I decree:

ARTICLE 1. Be it declared that the Republic of Guatemala, from to-day, returns to the state of peace with her sister and neighbor, the Republic of Salvador, and her allies, the Republics of Nicaragua and Costa Rica.

ART. 2. Be it declared that on the part of Guatemala the stipulations of the treaties with the Republic of Salvador as they were on the 28th of February last past are in force, until under the same or more ample bases a new treaty establishing the relations of the two Republics shall be made.

ART. 3. Let an ample and secure amnesty be conceded to all Guatemalans implicated in the union cause that the Government proclaimed in its decree of the 28th of February ultimo, and to all Guatemalans now absent for political offenses committed during the six months previous to that date, the Government proposing to issue, as soon as circumstances permit, the decree of general amnesty which has been under study since the present acting executive came into power.

ART. 4. Let a note of national gratitude be communicated to the honorable diplomatic corps, accredited to the Republics of Central America, for their friendly and efficient intervention to obtain the re-establishment of peace.

ART. 5. Let Sunday next, the 19th instant, be designated for duly solemnizing the re-establishment of peace with Salvador and her allies.

ART. 6. The department of foreign relations is charged with the execution of the present decree, of which account shall be given to the Assembly.

Given in the national palace of Guatemala the 15th of April, 1885.

MANUEL L. BARILLAS.

The Secretary of State in the Departments of Foreign Affairs and of Public Instruction,
ANGEL MA. ARROYO.

The Secretary of State in the Departments of the Treasury and of Public Credit,
ANTONIO AGUIRRE.

The Secretary of State in the Departments of Government and Justice,
MANUEL T. DARDON.

The Secretary of State in the Department of Public Works,
E. MARTINEZ SOBRAL.

No. 79.

Mr. Whitehouse to Mr. Bayard.

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

La Libertad, April 18, 1885. (Received May 16.)

SIR: Referring you to my dispatch of the 14th in regard to the proclamation of peace between Salvador and Honduras, I have now the honor to inclose a copy and translation of the treaty.

I am, &c.,

H. REMSEN WHITEHOUSE.

[Inclosure — Translation.]

The bases of the treaty with Honduras.

The treaty concluded in Namasigüe with the Government of Honduras is the following:

With the desire that the difficulties created between the Republic of Honduras and the allies Costa Rica, Salvador, and Nicaragua in consequence of the decree of March 7

issued by the Congress of Honduras, terminate in a peaceful manner, and that they may be drawn yet closer together, they have concluded through their respective representatives, General Lisandro Letona, on the part of the Governments of Salvador and Costa Rica, General Joaquin Zavala, for the Government of Nicaragua, and Dr. Adolfo Zúñiga for the Government of Honduras, duly authorized, the following treaty:

ARTICLE 1. The Assembly of Guatemala having revoked the decree of the 28th of February of the present year, in which General J. Rufino Barrios declared himself supreme military chief in Central America in order to carry out the national union, the Government of Honduras, which had adhered to the above-mentioned decree, considers itself freed from all compromise with Guatemala and things return to the state which they were in before the decree issued on the 7th of March by the Congress of Honduras.

ART. 2. In consequence, the Government of Honduras remains united in a defensive alliance with the allied Governments of Salvador, Nicaragua, and Costa Rica, in accordance with existing treaties. The Government of Honduras will use its good offices to obtain the organization of a new government in Guatemala, which shall give facilities and offer efficient guarantees for a satisfactory arrangement of peace between the Governments of Salvador, Nicaragua, and Costa Rica, and that of Guatemala.

ART. 3. The Government of Honduras will disarm and concentrate its forces, reducing them to the garrisons ordinary in time of peace, unless the public order require their being increased, and for their part the allied Governments of Salvador, Nicaragua, and Costa Rica will not threaten in any way Honduras, withdrawing the forces they have on the frontiers of Honduras within a period not to exceed fifteen days; the Government of Honduras shall have a like period to disarm and concentrate as stipulated in this article.

ART. 4. There not being armed emigration proceeding from the Republics of Salvador and Nicaragua in the territory of Honduras, but only refugees, the Government of Honduras shall proceed with its concentration in such manner as not to cause injury to the neighboring and sister Republics in entire conformity with the existing treaties.

ART. 5. The Government of Honduras contracts close and special alliance with the allied Governments of Salvador, Nicaragua, and Costa Rica, and pledges itself to exert all its forces to carry out the reorganization of the Central American nationality by the rational and pacific means as prescribed by civilization.

ADDITIONAL ARTICLE. The Government of Honduras will permit the transit of the troops of the allied Governments of Salvador, Nicaragua, and Costa Rica, for the operations which it may be necessary to employ against Guatemala, until the result of which the second article of this convention treats be obtained. In consequence, the Government of Honduras consents that the armies of Nicaragua and Costa Rica remain, pending their undertaking their operations, in those places on the territory of Honduras which they at present occupy, and even permits that with the same aim they can occupy others which may be absolutely necessary, giving that Government the corresponding notice. In pledge of which a declaring that the stipulations of the present treaty are of immediate application, we sign three copies of one tenor in Namasigüe, the 11th of April of 1885.

L. LETONA,
JOAQUIN ZAVALA,
ADOLFO ZÚNIGA.

No. 80.

Mr. Whitehouse to Mr. Bayard.

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

La Libertad, April 18, 1885. (Received May 16.)

SIR: On the 17th instant I sent you the following cablegram:

Government of Salvador decrees national vote of thanks to diplomatic corps for efficacious intervention to promote peace.

I am now able to inclose a copy of the decree, from article 4 of which I quoted in the above-mentioned cablegram.

I am, &c.,

H. REMSEN WHITEHOUSE.

[Inclosure 1.—Translation.]

Peace with Guatemala.

SANTA ANA, April 14, 1885.

Guided by the sentiment of peace and concord which ought to exist between the members of the Central American family, I have accepted to-day, through the mediation of the honorable diplomatic corps, that both in Guatemala as in Salvador be immediately issued a decree proclaiming peace and conceding a general amnesty to all who took part in the revolution started on the 28th of February last. Further, I suggested that as soon as possible plenipotentiaries of both Governments shall meet in the port of Acajutla to conclude, under ample guarantees, a new treaty, the stipulations of former (treaties) meanwhile remaining in force, and I addressed myself to the Governments of Nicaragua and Costa Rica, that they accept in their turn the proposition of the diplomatic corps, sending forth similar dispositions to those of Salvador and Guatemala.

I think that in proceeding in this manner I faithfully interpret the generous sentiments and the needs of this people, whose highest aim is to be able to enjoy an honorable peace, and that in treating with the fraternity and concord of the Central American people they are as noble and generous as they are strong and brave in sustaining their dignity and independence. In due time I will transmit to you the decree which will be issued, concerning the terms and other details of which I am agreeing with the Government of Guatemala, and with those of Nicaragua and Costa Rica.

RAFAEL ZALDIVAR.

[Inclosure 2.—Translation.]

Peace with Guatemala.

The executive power of the Republic of Salvador, considering, firstly, that the causes which brought this Republic in a state of war with that of Guatemala having ceased by the revocation by the Assembly of the latter of the decree of the 28th of February last, in which was proclaimed the union of Central America, and by the death of General J. Rufino Barrios, who, in order to realize it, had assumed the military command of these Republics; secondly, that under such circumstances it is a duty of patriotism to bring the people to sentiments of fraternity and concord, to make them enjoy again the benefits of peace, which is the first and most imperious of their needs; thirdly, that the allied Governments of Nicaragua and Costa Rica are animated by similar views with regard to such vital interests, having all agreed to the celebration of peace with the Republic of Honduras; and fourthly, that through the friendly interposition of the honorable diplomatic corps accredited in Central America, there has easily been arranged a perfect understanding with the Government of Guatemala, agreeing to honorable bases for a firm and stable peace between both Republics: Therefore, in accordance with the powers it is vested with, it is decreed—

ARTICLE 1. It shall be proclaimed that the Republic of Salvador returns from this day to the state of peace with its sister and neighbor, the Republic of Guatemala.

ART. 2. Shall be declared in force, on the part of Salvador, the stipulations of the treaties which existed with the Republic of Guatemala the 28th of February last until it shall be proceeded to make on the same bases, or on more ample bases, a new treaty which shall fix the relations of both Republics.

ART. 3. Shall be conceded a full and secure amnesty to all Salvadorians compromised in the Union which the Government of Guatemala proclaimed in its decree of the 28th of February last, and in general to all Salvadorians who are absent for political crimes.

ART. 4. Shall be tendered a vote of national thanks to the honorable diplomatic corps accredited to the Republics of Central America for their friendly and efficacious intervention to bring about the re-establishment of peace between these Republics.

ART. 5. Shall be selected Sunday next, the 19th instant, to solemnize fittingly the re-establishment of peace with Guatemala.

ART. 6. The secretary of foreign affairs is charged with the execution of the present decree, of which account will be given as soon as possible to the Legislative Assembly of the Republic, &c.

RAFAEL ZALDIVAR.

SALVADOR GALLEGOS,

Minister for Foreign Affairs, specially authorized.

No. 81.

Mr. Bayard to Mr. Hall.

No. 241.]

DEPARTMENT OF STATE,
Washington, April 23, 1885.

SIR: I have received your No. 329 of the 26th ultimo in regard to the proposed Central American Union, and my telegram to you of the 24th of that month relative to the ninth article of the decree of March 5, 1885, as it concerned the treaties of the several states of Central America with other nations.

The annulment of the decree of February 28th last (March 5), since reported, does away with the importance of the incident. This Government's inquiry was prompted by the sweeping nature of the ninth article of the decree and by the uncertainty as to whether it embraced all treaties which might not have been perfected by ratification and exchange before February 28, the verb *concluire* in this sense being ambiguous. Mr. Cruz's declaration that it only intended to refer to treaties *signed* after that date agrees with Mr. Batres' announcements, but Mr. Batres did *not* add that it only intended to refer to those states which adhered to the movement for union. In this aspect the logic of this limitation is not evident.

I am, &c.,

T. F. BAYARD.

No. 82.

Mr. Hall to Mr. Bayard.

No. 342.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, April 24, 1885. (Received May 18.)

SIR: With reference to my dispatches, numbered 337 and 338, dated the 15th and 17th instant, I have the honor to inclose herewith a copy and translation of a resolution of the Legislative Assembly of Guatemala, relative to a vote of thanks to the ministers of the United States, Great Britain, Germany, and Spain, and to the *chargés d'affaires* of France and Italy, for their friendly mediation, which, it is understood, contributed efficiently towards securing an honorable peace between Guatemala and Salvador, and the allies of the latter, Nicaragua and Costa Rica.

I have, &c.,

HENRY C. HALL.

[Inclosure in No. 342.—Translation.]

DECREE No. 101.

The Legislative Assembly of the Republic of Guatemala.

Whereas, through the medium of the secretary of foreign relations, the decree which the Executive, in the exercise of the powers with which he is invested, issued

on the 15th instant, has been communicated to this Assembly, declaring that from that date the Republic of Guatemala returned to the state of peace with the Republic of Salvador and her allies, Nicaragua and Costa Rica; that the honorable diplomatic corps accredited to Central America contributed largely, by its friendly mediation, to such a satisfactory result; that the mentioned decree provides for the real interests of the nation, assuring an honorable peace, under the auspices of which the manifold elements of public prosperity may continue to be developed: Be it decreed—

SOLE ARTICLE. That the decree which the Executive, in the exercise of his vested powers, issued on the 15th of the present month is hereby approved, and that a vote of thanks be tendered to Mr. Henry C. Hall, envoy extraordinary and minister plenipotentiary of the United States; to Mr. Werner von Bergen, minister resident of the German Empire; to Mr. J. P. Harris Gastrell, minister resident of Her Britannic Majesty; to Mr. Melchor Ordoñez, minister resident of His Majesty the King of Spain; to Mr. J. F. A. Le Brun, chargé d'affaires of the French Republic, and to Mr. Angelo Muttini, chargé of the Italian legation.

Let it be communicated to the Executive for publication and fulfillment.

Given in the Chamber of Sessions, in Guatemala, the 18th of April, 1885.

JOSE SALAZAR,
President.

D. ESTRADA,
Secretary.

MANUEL CABRAL,
Secretary.

PALACE OF THE GOVERNMENT,
Guatemala, 18th April, 1885.

Let it be carried out.

The Secretary for Foreign Affairs,

M. L. BARILLAS.

ANGEL MARIA ARROYO.

No. 83.

Mr. Hall to Mr. Bayard.

[Extract.]

No. 351.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, May 8, 1885. (Received June 4.)

SIR: Within a week after the recent declaration of peace in Central America, the President of Salvador submitted, by a circular, to the several Governments of the other four states a proposition inviting their co-operation in another attempt to bring about a union of these states under one central reorganization. With this object each state was invited to send five plenipotentiary delegates to a congress which it was proposed should meet at Santa Tecla, Salvador, the 15th of the present month, this congress to have had full powers to adopt a federal constitution and other measures for carrying out the proposed union.

In the same communication is announced the firm resolution of President Zaldivar to retire from the government of Salvador, and that he should only await therefor the action of the proposed congress. The proposition of President Zaldivar has the appearance of a purpose on his part to take up the project initiated by General Barrios in 1875, which he twice attempted to carry out by peaceful means, and latterly by force, all of which terminated in absolute failure.

* * * * *

In answer to President Zaldivar's proposition, the minister foreign affairs of Guatemala refers to the steps taken by his Government in

1875 and in 1883 in favor of the union ; that a union of these states is its settled policy, but considers a renewal of the subject at this time, so immediately after the recent failure, as altogether premature, and of course will not send delegates to the proposed congress of the states.

Costa Rica declines the proposition in terms similar to those expressed by Guatemala. Nicaragua rejects the project and the invitation to participate in the proposed congress with illy disguised contempt. Honduras alone proffers her unconditional acceptance.

I inclose a copy of the circular, and a copy of the official newspaper of Salvador containing the replies of the several states, with translations, to which I respectfully invite your attention.

The reunion of these states under a confederated Government appears to be an essential part of every political creed in Central America. The constitutions of all the states recognize the principle in some form, like the following in the new constitution of Salvador :

Salvador considers herself a disintegrated section of the Central American nation and is ready to unite with any and all of the Republics, into which it is now divided, for the organization of a national Government whenever circumstances may permit or it may suit her interests. * * *

President Cardenas, in his message to Congress in January last, referring to the same subject, in connection with the mission from Guatemala and Salvador in 1883, says:

The Government accepted the idea with enthusiasm, and, counting already upon its acceptance by Honduras and Costa Rica, appointed delegates to the Diet, and was about to communicate to them ample instructions, when official information was received that the Government of Costa Rica, in deference to popular clamor, had withdrawn. The Governments of Guatemala, Salvador, and Honduras were then consulted as to whether a meeting of the four states could have any practical result. To this Guatemala replied negatively, and the project was thus frustrated. We cannot otherwise than lament this result, which postpones the day of the realization of that great idea.

It was generally understood at the time that the failure of the project of 1883 was due solely to the popular repugnance, outside of Guatemala, to General Barrios, the presumptive President of the confederation. But so far as I have been able to judge from my associations with the Governments, leading men and people of intelligence in these countries, there is not, as is generally supposed, any really sincere sentiment among them favoring a union of the states, their protestations to the contrary notwithstanding ; if such a sentiment has existed of late years the recent conflict and the bitterness engendered thereby will no doubt serve to suppress it, and years must elapse before it will be revived.

I am, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 351.—Translation.]

Señor Gallegos to Señor Arroyo.

CIRCULAR.

SAN SALVADOR, April 21, 1885. (Received in Guatemala at 7.48 p. m.)

To the Minister for Foreign Affairs :

Peace being re-established in the Central American Republics, the Government of Salvador proposes that as far as regards itself its effects should be made to benefit the common interests of these peoples, who imperiously demand the re-establishment of

the sacred ties of nationality; and being convinced that the just aspirations of Central American patriotism in the sense of the union of these Republics can reach a satisfactory and logical solution, and appealing to the measures which reason and principles designate as more natural and efficacious to obtain this result, instructions have been given me to direct myself through the worthy medium of your excellency to the Government of that Republic, proposing to it, in the name of Salvador, the proposition of giving to a Central American congress the necessary authority to proclaim, should they deem it expedient, the political union of these Republics into one nation, decreeing the constitution which ought to govern it and the further dispositions which are thought necessary for the provisional organization of public trusts. In this sense, appealing to the traditions and the numerous bonds of these Republics, as also to the legitimate desires which they cherish to reconstruct their nationality, which is to assure them definitely internal order and increase their foreign credit and consideration, I urge your Government that in accepting on general terms the proposition of national reconstruction, they may, if they consider it well, accredit five ministers to the Central American congress, which the Government of Salvador proposes should unite on the 15th of May next, in the city of Santa Tecla, with the object of proclaiming the Central American Union, and dictating the fundamental laws of the Union, if thus should be deemed expedient, or at least to adopt those plans of general interest which shall conduce to prepare this event, binding as much as possible the ties and interests of the Republics of Central America.

I add by the special recommendation of the President that that official has the firm resolution of separating himself from the Government of Salvador and that he will wait solely, in order to do so, until the above-mentioned congress decide what is deemed fitting concerning the important subject of nationality, whether it is realized or that the division into which at present the Republics of Central America are constituted continues.

I am, &c.,

SALVADOR GALLEGOS.

[Inclosure 2 in No. 351.—Translation.]

Señor Arroyo to Senor Gallegos.

GUATEMALA, April 22, 1885.

To the Minister for Foreign Affairs, Salvador:

In consequence of the re-establishment of peace between the Republics of Central America, your excellency is pleased to inform me that the Government of Salvador, with the view that its effects be made to benefit the mutual interests of these peoples, who imperiously demand the restoration of the Central American nationality, has given your excellency instructions to direct yourself, through my medium, to my Government, proposing to it in the name of Salvador the suggestion of granting to a Central American congress the necessary powers to proclaim, should it be deemed expedient, the political union of these Republics into one nation, decreeing the constitution which shall regulate it and the other necessary steps for the provisional organization of the public trusts. With this aim your excellency, appealing to traditions and ties of these Republics and making most just considerations in favor of the great proposition, is pleased to urge my Government that accepting the proposal of the national reorganization, it accredit, if it deems well, five ministers to the Central American congress which the Government of your excellency proposes should unite on the 15th of May next in the city of Santa Tecla, with the object of proclaiming the Central American Union and dictating the fundamental laws of the Union, or of adopting at least those dispositions of general interest which shall conduce to this event, drawing tighter, as much as possible, the ties and interests of the Republics of Central America.

Lastly, your excellency adds, in accordance with an especial recommendation of the President of that Republic, that this official is firmly resolved to withdraw from the Government of Salvador, and that he will await only, in order to do so, until the above mentioned congress decides what it considers expedient concerning the important subject of nationality, whether it be realized or that the division which at present exists between the Republics of Central America be continued.

I brought at a fitting moment the contents of the telegram, to which I have the honor to reply, to the knowledge of the President, and that official has authorized me to say to your excellency the following:

The Government of Guatemala would in no case need to accept the great proposal of Central American nationality, which it has on all occasions and by all the means which your excellency proposes to-day always been the first to initiate. The 15th of September, 1875, there was convoked a congress of plenipotentiaries by a circular from this

cabinet. This congress met in this capital on the 15th of January, 1876, and after having held several sessions, on the tenth, finished its labors by signing a treaty of peace, preparatory to a union of the five Central American Republics.

In the year 1883 plenipotentiaries of Salvador and Guatemala conferred with the Governments of the other three Republics of Central America concerning the expediency of a congress of plenipotentiaries, meeting in Santa Tecla or in Almachapan, these plenipotentiaries having full powers to discuss the bases of the reorganization of Central America and to formulate the national constitution and the other organic laws.

Unfortunately, these labors undertaken by Guatemala and Salvador did not have any practical result to the realization of this patriotic idea. Notwithstanding, as your excellency is well aware, the Government of Guatemala did not desist in its efforts nor was discouraged by the oppositions and difficulties of that time. On the contrary, it carried the ardor of its enthusiastic desires to the point of seconding the invitations that, by means of the foreign press and the free press of Central America, were made to General Barrios to undertake this task, as the only existing man called to realize it.

Your excellency and your Government know very well the history of the last events which might have caused the total ruin of Central America. After the disasters of the war and the sad death of the chief who had risen to carry into practice the idea of the Central American nationality, there was signed, owing to the intervention of the diplomatic corps, an honorable and worthy peace between these five Republics, and popular feasts were celebrated in commemoration of the fortunate event.

Notwithstanding the passions are not calmed in all respects, the minds are still unquiet. The general, President of the Republic of Guatemala, finds himself temporarily at the head of the executive; popular elections of the constitutional President are being prepared; most urgent subjects of home policy demand the attention of the Government. It does not consider that the moment is favorable to discuss a question, which, for the reason that it is esteemed of vital importance to the interests of Central America, demands the greatest moderation and the most absolute calm and quiet. Therefore my Government, without undervaluing the invitation which your excellency sets forth, considers at present premature the meeting of this congress.

On the other hand, the actual designated, in exercise of the Presidency, thinks it expedient to defer entirely this matter to that which the new constitutional President may resolve, after hearing the decision of the Legislative Assembly which will meet the first of March of next year.

It is in such terms that I have the honor to respond to your esteemed telegram, reiterating the assurances of my respectful consideration.

ANGEL MARIA ARROYO.

[Inclosure 3 in No. 351.—Telegram.—Translation.]

Señor Zelaya to Señor Gallegos.

TEGUCIGALPA, April 24, 1885.

MR. MINISTER FOR FOREIGN RELATIONS: Yesterday I had the honor to receive your excellency's telegram, informing the Government of this Republic that, peace being re-established in Central America, the Government of Salvador proposes to make felt its effects beneficially to the people by working with the aim of re-establishing the sacred links of nationality with the hope of reaching a satisfactory solution, appealing to the means which reason and principle point to as the most natural; that in this sense you urge my Government that, accepting in general the scheme of national reorganization, it be pleased, if it thinks well, to accredit five ministers to the Central American congress which that Government proposes should meet on the 15th of the month of May next in the city of Santa Tecla, with the object of proclaiming the union of Central America, and to settle upon the fundamental laws of the nation, if this should be considered advisable, or at least to adopt such dispositions of general interest as shall conduce to prepare the event, drawing closer to the utmost the ties and interests of the Central American Republics.

In answer, and by the instructions of the President, I have the honor to inform you that the Government of Honduras receives, with the appreciation and enthusiasm which is due the proposal which that of Salvador addresses to it, all the more as it is doing no more in this case than conforming with constant aspiration and tradition of the Honduranian people, who, on several occasions, have given proofs of their love and fidelity to the cause of the Central American union; that on this account it is disposed, if the majority of the Republics defer to the invitation, to accredit five delegates or ministers to the congress, in order that on the date and at the place mentioned they may begin their deliberations with those of the other Republics concern-

ing the measures of bringing into practice the glorious scheme of which it is question, or to agree upon the dispositions which are to be fixed in order to assimilate more and more the interests of the detached sections, and prepare in this way the advent of that event.

In reference to the last part of your telegram, the President will deplore the separation of Dr. Zaldivar from the Government of that Republic, believing that his initiative and persevering efforts for the realization of nationality by the proposed means are at present, and will continue to be, of great importance, and that he ought on that account to remain at the head of that Republic for the time remaining for his administration.

I am, &c.,

JERONIMO ZELAYA.

[Inclosure 4 in No. 351.—Telegram.—Translation.]

Señor Castellón to Señor Gallegos.

LEON, April 26, 1885.

Minister for Foreign Affairs, Salvador :

Having informed the President of the Republic of your excellency's telegram of the 23d instant, relative to the meeting of a Central American congress in Santa Tecla for the purpose of treating for the national reorganization, I have received instructions to answer your excellency in the following terms: The actual circumstances, under which Central America has just suffered great disturbance and serious evils with the pretext of realizing the union of the states are not in any way favorable to place on the "tapis" a question which has in all times been precursory to internal revolutions and of wars between states. Public opinion has declared against this initiative at a moment when the people have not even recovered from the immense sacrifices which the proclamation of that scheme cost them, and when the armies of Nicaragua and Costa Rica have not returned to their homes. Nicaragua, therefore, is not inclined to take part in those discussions by sending to Santa Tecla her plenipotentiaries, believing, on the other hand, it to be incompatible with her dignity to treat with a Government such as that of Guatemala, whose existence is ignored, and from whom it has not received one word of friendship or of reconciliation. My Government regrets that the initiative of union should start from the friendly Government of Salvador, whose desire it would have much honored in seconding were it not for the weighty reasons which oppose it, and which I trust it will know how to justly appreciate.

I subscribe myself, &c.,

F. CASTELLÓN.

[Inclosure 5 in No. 351.—Telegram.—Translation.]

Señor Castro to Señor Gallegos.

SAN JOSÉ, COSTA RICA,
April 28, 1885.

To the Minister for Foreign Affairs, Salvador :

I have had the honor to receive and to bring to the knowledge of the President the very important telegraphic dispatch of your excellency, dated the 22d instant, conveying the proposal on the part of the Government of Salvador to that of this Republic, the scheme of delegating to a Central American congress the necessary faculties to proclaim the union of Central America into one Central American nation, and to decree the constitution which shall rule it, and, in case of acceptance, to send five ministers to the Central American congress which the Government of Salvador at the same time proposes, for the 15th of next May, in the city of Santa Tecla.

The President of this Republic, as well as I, highly appreciates these sentiments which have inspired the President of that Republic with the scheme referred to and the fraternal invitation which I answer. I regret that the full powers which were conceded to him in March last for the purpose of defending the autonomy of the nation are rather an obstacle in his way for determining by himself on measures which could in some way more or less radically affect that same autonomy. Being thus without authority, his decision is to-day the same as yesterday, that on the proposed subject it is only open to my Government to submit it to the sovereign Congress

which is about to assemble, and this he promises to do in order that that high body, if it should deem it advisable, should take the necessary legal measures for the reform of the actual constitution, a previous step without which Costa Rica cannot make the transition from a political body, sovereign and independent, to the integral part of a common autonomy.

In regard to assuring peace between the Central American Republics, strengthening their interests by means of treaties which leave uninjured the autonomy, there is not with my Government any opposition or a want of the best disposition.

Concerning what your excellency indicates regarding the proposal of the actual President's separation from the Government of that Republic, I must inform your excellency that in the consideration of my Government it would be beneficial to the peace of Central America that such a worthy and high person should retain the chief magistracy of Salvador.

I am, &c.,

J. M. CASTRO.

No. 84.

Mr. Hall to Mr. Bayard.

[Extract.]

No. 355.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, May 16, 1885. (Received June 16.)

SIR: I have the honor to inclose herewith copies of two telegrams I addressed to you yesterday, relating to the insurrection in Salvador and the resignation and departure from the country of President Zaldivar.

The recent attempt of General Barrios to unite the Central American States was supported by several military officers of Salvador, among others, Generals Menendez and Perez. * * *

There were also with the army of Barrios some three hundred Salvadorians under the command of Menendez. These, after the withdrawal of the Guatemalan forces, appear to have become a nucleus on the frontier of Guatemala and Salvador for other Salvadorian malcontents, and some ten days ago it was said their number had increased to five hundred and upwards, and that there were other forces in the State ready to join them in a revolutionary movement against Zaldivar.

The report proved to be well founded. Yesterday it was announced that Menendez and Perez had been joined by two or three thousand deserters; that in two engagements the insurgents had been successful, and had gained possession of Santa Ana, the second place in importance in the State.

Almost immediately after receiving the news above referred to, the following telegram from our consul at San Salvador came to hand: "Congress gave Zaldivar leave of absence. He sailed to-day for Panama by the Uarda [a German steamer], leaving his resignation." Later in the day I received a telegram from the minister for foreign affairs of Salvador. It confirmed the consul's report, and further announced that General Figueroa had assumed the Presidency. Telegrams from Salvador, received here to day, report that emissaries of the Government have been sent to confer with Menendez, and that the belief is that there will be a peaceful settlement of difficulties by the election of Menendez to the Presidency.

* * * * *

I am, &c.,

HENRY C. HALL.

No. 85.

Mr. Hall to Mr. Bayard.

No. 367.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, May 30, 1885. (Received June 23.)

SIR: With reference to my dispatch No. 355 of the 16th instant, I have the honor to report to you such further information as I have been able to obtain in regard to the insurrectionary movement in Salvador.

I inclose copies and translations of two proclamations of the insurgent chief Menendez. One of these, dated the 15th instant, relates to the formation of a provisional Government; the other, dated the 16th instant, is an exhortation to the Salvadorian people to support the movement, and discloses its aims.

Attempts have been made by both parties to bring about a peaceful settlement, but thus far without any favorable result.

My informant was but recently a resident of Salvador, and has the means of communication with Santa Ana, the headquarters of the insurgents. His statement is substantially the following:

On the 23d instant a messenger arrived at Santa Ana, bringing dispatches from General Figueroa, Zaldivar's successor. These dispatches contained overtures from Figueroa to Menendez that each should name commissioners with full authority to settle all differences. The proposition was accepted. Figueroa named as his commissioners General Juan José Samayoa and Señor Miguel Yudice. These were accompanied by the Nicaraguan minister to Salvador and the Mexican consul, acting as advisers. Menendez appointed Drs. Gallardo and Castellanos, who are also members of his executive council.

The commissioners met at a place called El Molino, a league from Santa Ana, on the 24th and 25th instant. They had long conferences, from which nothing definite resulted, the propositions of neither party being accepted by the other.

Figueroa's commissioners proposed that Menendez and his party should surrender their arms, under a guarantee of life and property, and an offer of subordinate appointments under the Government. As the insurgents have thus far gained all the battles that have been fought, and consider themselves, in some other respects, in a stronger position than the Government, it is not strange that the proposition to surrender their arms should not have been entertained for a moment by their commissioners. It appears also that Figueroa's commissioners were without authority to make any other proposition.

The insurgent commissioners made several propositions, among them the following:

(1) That both Figueroa and Menendez should retire; that a junta of notables should designate a third person as provisional President, whose first duty should be to convoke a congress for revising the constitution and provide for a popular election of a President.

(2) That Figueroa and Menendez should retain their commands, jointly or separately; that a congress be called, and a popular election of a President be ordered.

(3) Figueroa and Menendez, together with a third, to be named by them, forming a triumvirate, should exercise the executive authority, should convoke a congress, which should elect a President.

Menendez's commissioners had full powers to conclude an armistice and any other negotiations favoring peace, and to avoid bloodshed.

Figueroa's commissioners had limited instructions, but upon retiring stated that they would ask for instructions in regard to the first-mentioned proposition of Menendez.

A telegram of to-day announces that the Government of Nicaragua will give armed assistance to the Government of Figueroa. This assistance consists of a force of one thousand men which will be sent from Corinto, Nicaragua, and landed at La Union or Acajutla. The same telegram also announces that another engagement has taken place near Cojutepeque between the Government forces and the insurgents, in which the former were defeated with considerable loss. It is claimed, also, that this victory insures the success of the revolutionary movement. It is not to be expected, however, that such success, even should it be realized, will secure permanent peace and tranquillity to Salvador. If reports are to be credited, there are other aspirants, besides the two above named, to the Presidency, and, if disposed to enforce their claims, all have followers enough to keep the country in a state of anarchy for months to come.

Since the 15th instant telegraphic communication with Salvador, beyond Santa Ana, and cable communication with the United States have been interrupted, and there is no immediate prospect of their being renewed.

I am, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 367.—Translation.]

Proclamation of General Menendez.

Francisco Menendez, general of division of the Republic of Salvador, considering, that I have been called by the people of the Republic to place myself at the head of the revolution, whose noble object is to overthrow the administration of Dr. Don Rafael Zaldivar, which has so long suppressed our liberties and violated our guarantees, and that it is a duty of patriotism to procure the good of the country by saving it from the tyranny which oppresses it in order to give our citizens the enjoyment of their liberties and rights, I decree:

ARTICLE 1. I assume the provisional Presidency of the Republic of Salvador, placing myself at the head of the revolution, which has for its object the organization of the country upon true republican principles.

ARTICLE 2. General Don Estanislao Perez is appointed minister of war, and is charged with the general administration, to whom also is commended the organization of the several offices of the provisional Government.

Given in the Government House of Santa Ana, May 15, 1885.

FRANCISCO MENENDEZ.

MAXIMO MANCIA,

Secretary ad interim.

[Inclosure 2 in No. 367.—Translation.]

Proclamation of General Menendez, of Salvador.

Francisco Menendez, general-in-chief of the liberating army and provisional President of the Republic, to his fellow-citizens.

SALVADORIANS: I have placed myself at the head of the national insurrection against the corrupt and corrupting Government which, during the past nine years, has weighed upon the honor and shame of the country, and God having given victory to the cause of liberty and justice, we have defeated the hirelings of tyranny in Santa Ana, in Bejuco, in Sonsonate, and in Atiquizaya.

Dr. Zaldivar, valiant only in beating and assassinating helpless citizens, has fled shamelessly at the sound of our conquering arms. His ring, notwithstanding, remains in power—that ring of swindlers and miscreants.

Fellow-citizens, continue, as hitherto, to support with enthusiasm the efforts now being made by the noble sons of the west of the Republic, that we may have morality, country, liberty, and laws, and in a few days we shall have torn up by the roots

the cursed tree of eastern tyranny, planted here by Zaldivar, and here by him and his ring irrigated with the tears and blood of a brave people worthy to be free.

Soldiers of the Liberticide Faction, the sacred right of revolution belongs to you ; you are, like ourselves, rational beings, not machines, and, like us, citizens of a Republic which has so written it in her laws, and engraved it with immortal deeds in her history. Do you not blush in still defending those infamous men who carry on their foreheads the brand of public indignation, the brand of infamy ("thief")? In their stratagem they may at some time attempt to disguise themselves under an honest exterior, as if from the glorious ranks of the opposition; but do not trust them, they who, like lepers, infect the hale with their miasmas and the atmosphere with their pestilential presence. Throw down your arms and come to fight on the side of morality and law.

Salvadorians! God protects our cause. Rally round the provisional Government, and soon the capital itself will be redeemed by our arms. The victory once consummated, the cannon silent, law shall speak and a constituent Congress shall carry out your wishes and crown the only aspirations of your friend and compatriot,

FRANCISCO MENENDEZ.

SANTA ANA, *May 17, 1885.*

No. 86.

Mr. Hall to Mr. Bayard.

No. 369.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, June 2, 1885. (Received June 23.)

SIR: With reference to my dispatches No. 355 and No. 367, the latter dated the 30th ultimo, I have the honor to transmit herewith a copy and translation of a circular note of this date, which the minister for foreign affairs of Guatemala has addressed to the diplomatic corps accredited to Central America, concerning the intervention of Nicaragua in the internal dissensions of Salvador.

The Guatemalan Government has information that Nicaraguan forces have occupied the eastern departments of Salvador, and considers the act a menace to the peace and tranquillity of Guatemala. As a measure of precaution, the Government deems it necessary to place forces on the frontier of Salvador for observation. At the same time the Guatemalan Government protests against the action of Nicaragua as opposed to the peaceful attitude the Central American Republics have maintained towards each other since the recent events.

In my No. 367 I referred to the report received here on the 30th ultimo in regard to the armed aid Nicaragua proposed to give the present Government of Salvador. At the same time I had some doubt as to its truth, now confirmed. I have no idea what may be the motives of the Nicaraguan Government for this intervention; but so far as I am able to judge it is unwise and uncalled for, and may lead to trouble with Guatemala and Honduras, and possibly with Mexico.

I propose, at the earliest moment possible, to visit Salvador for the purpose of ascertaining the facts as to the situation, and to report to you from there by the cable.

I am, &c.,

HENRY C. HALL.

[Inclosure in No. 369.—Translation.]

Señor Dardon to Mr. Hall.

DEPARTMENT OF FOREIGN RELATIONS OF GUATEMALA,

Guatemala, June 2, 1885.

MR. MINISTER: I have the honor to inform you that this Government has learned with surprise that Nicaraguan forces have occupied the eastern departments of the Republic of Salvador; and as up to the present no explanation has been received as to

the motives which have given rise to this important step, considering that public good order is thereby compromised and that the peace and tranquillity of Guatemala may be disturbed, my Government deems it obligatory on its part to take necessary precautionary measures for the safety of the Republic, and with that object has ordered forces for observation to be situated on the Guatemalan frontier boundary line of Salvador. At the same time my Government cannot do otherwise than protest against an act so opposed to the peaceful attitude which the Central American Republics have maintained towards each other since the recent events.

As the honorable diplomatic corps accredited to Central America has taken so much interest in the re-establishment of peace, and for their friendly and efficient mediation has merited the gratitude of these Republics, I deem it my duty to communicate the foregoing to you, and in doing so it is highly satisfactory to me to renew to you the assurances of my distinguished consideration and respectful esteem.

MANUEL J. DARDON.

No. 87.

Mr. Hall to Mr. Bayard.

[Extract.]

No. 370.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, June 5, 1885. (Received June 29.)

SIR: In my dispatches numbered 355, 367, and 369 I reported to you all the information I had been able to gather, up to the 2d instant, concerning the insurrectionary movement in Salvador. I now inclose copies of two letters, dated the 26th ultimo and 3d instant, from Mr. Mathé, consul of the United States at Sonsonate, which is some ten or twelve leagues from Santa Ana, the headquarters of the insurgent General Menendez. Mr. Mathé reports the capture of the place by the insurgents, its recovery by the Government forces, and other incidents of interest.

* * * * *

In my No. 367 I reported that Nicaragua had sent a detachment of some five hundred men to La Union to aid the Government of Figueróa, Zaldivar's successor, and that another force would be sent from Corinto, either to the same place or to Acajutla; the latter, to the number of six hundred men and upwards, was landed at La Libertad on the 3d instant, to which place it was transported from Corinto in the Pacific Mail Company's steamer San Juan. It is also reported that another detachment of five hundred Nicaraguans will soon follow.

* * * * *

I have, &c.,

HENRY C. HALL.

[Inclosure in No. 370.]

Mr. Mathé to Mr. Hall.

UNITED STATES CONSULATE,
Sonsonate, May 26, 1885.

SIR: I have the honor to report that on the 14th of this month General Menendez took possession of Santa Ana, after three day's fighting, and he now holds that place with a force of some three to four thousand men, having established there a revolutionary government with himself as provisional President of the Republic.

On the 16th instant this place surrendered to a force sent by General Menendez, which then proceeded to take possession of Armenia, on the road to San Salvador; local authorities were appointed here, who held the place until the 19th instant, when information having reached this place, that the Government troops had completely de-

feated the revolutionists at Armenia, and were marching upon this place, when the recently established authorities suddenly left, taking with them all the troops here, with the exception of eight men in charge of over a hundred prisoners, and retired to Santa Ana, leaving this place without established authority or any sufficient force to maintain order.

On the 21st instant Sonsonate was reoccupied by about 500 Government troops, who had fought at Armenia, that place being left with a sufficient force for its protection, and at the present moment 500 men, under General Mianda with Generals Letona and Monterrosa, still remain here, having fortified the place and occupied commanding positions in the neighborhood in anticipation of an expected attack by the Menendez party, who are said to be on the road from Santa Ana to this place with 1,000 men.

Both parties are strong, and it is difficult to see when this state of affairs will end. Of course, the Menendez party have always the disadvantage of being confined to Santa Ana and the neighboring town of Aliquizaya, while at the same time their resources in arms and other war elements must be limited in comparison to those at the disposal of the Government.

On the 16th instant I addressed a communication to the commander of the troops then taking possession of this place, requesting the necessary guarantees for the security of American citizens and their property, as well as those other foreigners resident in the place who had no immediate consular representation, and received a very attentive reply. No one has in any way been molested.

In consequence of the peace arrangements after the war with Guatemala, a discontented opinion arose against Dr. Zaldivar, and this, together with the invasion by General Menendez, obliged him to leave on the 14th on the steamer of the Kosmos line, which he engaged, as is supposed, to take him to Panama. He had applied to the Legislative Assembly for license to absent himself, and at the last moment had to abdicate. The provisional President, General Figueroa, is the second "designado," and so far, with the exception of Santa Ana, has the rest of the Republic in his favor.

I am, &c.,

J. MATHE.

P. S.—MAY 28. I have just seen in the Salvador papers a telegram from the President of Honduras to General Figueroa, offering the mediation of that Government in the present difficulty, and General Figueroa's reply accepting the same very cordially.

A similar proposal was sent to General Menendez, and although his reply had not been received there is little doubt but that he will accept the offer, and it is said that a meeting and conferences were to take place yesterday. I have every hope that it will result in peace being declared.

J. MATHE.

SONSONATE, *June 3, 1885.*

SIR: I had the honor of addressing you on the 26th and 28th ultimo, with some details of the revolutionary movements in this quarter, but that dispatch I was unable to forward at the time, on account of the suspension of the overland mail from here to Guatemala. Since that date, and as then stated, a commission from the Government waited upon General Menendez, with the object of coming to some arrangement for peace. He was offered prominent positions under Government, but rejected all, holding out for nothing less than the Presidency. The consular body in San Salvador have now arranged a meeting with him, and it remains to be seen what will be the result. It is also stated that he agrees to meet General Figueroa, the provisional President, in conference, so that there is at present still some hope of an arrangement. If General Menendez persists in his pretensions to the Presidency, it will then be difficult to see the end of this movement. Meanwhile all hostilities are suspended.

I am, &c.,

J. MATHE.

No. 88.

Mr. Hall to Mr. Bayard.

No. 373.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, June 12, 1885. (Received July 6.)

SIR: With reference to my dispatches numbered 355, 367, 369, and 370, the latter dated the 5th instant, relating to the revolution in Sal-

vador and the armed intervention of Nicaragua, I now inclose a copy and translation of a communication of this date from the minister for foreign affairs of Guatemala, in which he solicits the mediation of the United States for the promotion of peace in that state and for the withdrawal of the Nicaraguan forces therefrom, so that the forces which the Guatemalan Government has, for its own safety, deemed it necessary to place on the Salvadorian frontier may also be withdrawn and disbanded.

As telegraphic communication from here is still interrupted, I shall proceed to-morrow to Salvador with the object of communicating with you by the cable from La Libertad. I hope to be able to return in the course of ten days.

The interests of our citizens in these countries, and particularly in Guatemala, suffer greatly by this prolonged state of disorder.

I am, &c.,

HENRY C. HALL.

[Inclosure in No. 373.—Translation]

Señor Dardon to Mr. Hall.

DEPARTMENT OF FOREIGN RELATIONS,
Guatemala, June 12, 1885.

Mr. MINISTER: The President of this Republic having learned that you propose to visit Salvador, has given me instructions to address you, and to request that you will be pleased to inform the Government of the United States in regard to the present unsatisfactory state of affairs in Central America, due principally to the revolution in Salvador headed by General Menendez, and to the armed intervention of Nicaragua in favor of the government which has succeeded that of Dr. Zaldivar.

The Government of Guatemala considers the arbitrary intervention of Nicaragua not only unnecessary, but that it constitutes a menace to this Republic, which has since peace was established endeavored to maintain strict neutrality in everything relating to the affairs of these states.

The action of the Government of Nicaragua has compelled that of Guatemala, as an indispensable measure of precaution, to place troops on the frontier of Salvador, occasioning to its Treasury great expenses at a time when the Government was making arrangements to disband the greater part of the army. This action, taken by Nicaragua without consultation or knowledge of the Government of Guatemala, keeps up a state of intranquillity in this Republic and in all Central America which, under existing circumstances, may have disastrous results.

My Government, and the President especially, justly appreciating the decided sentiments which animate you in favor of the peace, order, and prosperity of the Republics of Central America, requests you, should you deem it proper and conducive to the desired end, to communicate with your Government in regard to the present situation of affairs in Central America, and to ask for the friendly mediation of the United States to obtain the withdrawal of Nicaraguan troops from Salvadorian territory, thus avoiding the necessity which compels Guatemala to keep up the attitude required for the safety of her rights and interests, and to obtain a cessation of the civil war now raging in Salvador.

I doubt not that you are perfectly well aware of the loyal intentions of my Government, and that although its intention is to do nothing more than may be necessary for the defense and safety of our territory, it will omit nothing which may practically and efficiently secure that end, and I doubt not you will be pleased to interpose your personal influence and good offices in the same sense, to the end that confidence, peace, and tranquillity, which they so much need, and now more than ever so absolutely indispensable, may be secured to them.

Be pleased, sir, to accept, &c.,

MANUEL J. DARDON.

No. 89.

Mr. Bayard to Mr. Hall.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 19, 1885.

Mr. Bayard telegraphs Mr. Hall that the deepest concern is felt by this Government in the welfare of the Central American States, and it is earnestly hoped that force will not be resorted to; that mutual safety and welfare can only be restored and maintained by the exercise of reason and justice; and instructs Mr. Hall to use his best offices to bring about a peaceable settlement. The Department is pleased to learn that he is within telegraphic communication, and so situated as to be enabled to exert his influence toward bringing this unhappy contest to a close.

No. 90.

Mr. Hall to Mr. Bayard.

[Extract.]

No. 377.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, June 26, 1885. (Received July 16.)

SIR: In my dispatch No. 373, of the 12th instant, I informed you that I should leave the next day for La Libertad, for the purpose of communicating with you by cable in regard to the state of affairs in Salvador. The steamer in which I took passage was detained at San José until the night of the 15th; it was also detained a full day at Acajutla; in consequence, I did not arrive at La Libertad until the morning of the 17th instant. From that place I cabled to you the following:

Arrived to-day with the object of ascertaining the state of affairs in Salvador, and to communicate to you.

Telegraphic communication with Guatemala interrupted since 15th May. The belligerents are of about equal strength; recent engagements are in favor of insurgents. Nicaragua sends forces to the aid of the Salvadorian Government, without notifying the other Central American States, in consequence of which Guatemala has placed 4,000 men on the Salvadorian frontier, thereby causing imminent danger of a general war. My opinion is that your instructions to me to promote peace, if possible, will be of great service.

At La Libertad I learned that a few days before there had been a severe battle at a place called Cojutepeque, which resulted in the defeat and surrender of the Government forces; the defeat also at the same time, and near the same place, of some 600 Nicaraguan troops and their forced retreat towards La Unión.

I left La Libertad at noon of the 17th, and reached the capital, San Salvador, in the evening of the same day. Here I learned that General Figueroa, ex-President Zaldivar's successor, had resigned and turned over the executive office to Señor Rosales, the third designated substitute for the Presidency, General Figueroa retaining the command of the army. I called on them the following morning, the 18th, and was very cordially received. Up to that time no definite advances had been made towards an arrangement with the revolutionary chief, General Menendez, who it was known was hourly gaining strength and pres-

tige throughout the country in virtue of his recent successes, public opinion being also decidedly in his favor.

Anticipating your instructions, asked for in my above-mentioned telegram, I offered President Rosales and General Figueroa my best offices to bring about an arrangement with General Menendez and a restoration of peace to that distracted country, to be used in any way they might deem most conducive to that end. They expressed their appreciation of my offer, promising to advise me later in what way my mediation might be most effective. Within an hour after this interview the Nicaraguan commissioner called on me in their behalf and suggested that I should offer my mediation to General Menendez. I accordingly addressed him a telegram recommending, in the name of my Government, that he should enter into an arrangement with the Government of Señor Rosales that would put an end to the state of war which was causing such injuries to all interests, national and foreign, in Central America. I informed him of the good intentions of President Rosales, and assured him that my Government would be glad to learn that an honorable settlement had been attained, and, further, that I was authorized to express the same sentiments in behalf of the Government of Guatemala. General Menendez responded immediately, manifesting his appreciation of the sentiments expressed in the name of my Government in favor of a peaceful settlement. He said he had full confidence such a result would be reached, since he had learned that he could treat with patriots like Señor Rosales, and that I was authorized to say as much to him.

In virtue of these assurances it was arranged the same day between Señor Rosales and General Menendez that commissioners of each party should meet the next day, the 19th, at San Andres, between San Salvador and Santa Ana, to treat of peace. They met accordingly and agreed to the bases of a settlement which doubtless would have been more liberal to the Government, and might have resulted in the retention of Señor Rosales as provisional President, but for the occurrences which I shall now refer to.

The affair of Cojutepeque, to which I have already referred, greatly weakened the Government, but they still counted upon a force of 2,000 men at Sonsonate and another of 1,200 men at Coatepeque, to hold Menendez in check. But while the commissioners at San Andres were treating of peace these forces revolted and disbanded, leaving the Government with no other support than the small detachment at the capital, and the Nicaraguans, numbering in all some 1,800 men. The Government was thus at the mercy of the revolution, with no alternative but to accept the terms offered by Menendez. These terms, however, under the circumstances, appear to be liberal.

* * * * *

I am, &c.,

HENRY C. HALL.

[Inclosure in No. 377.—From La Patria, Guatemala, June 25, 1885.—Translation.]

Treaty of peace between the established and the revolutionary governments of Salvador—General Menendez, the revolutionary chief, assumes the Presidency in a provisional character.

We have been favored with a copy of the agreement entered into on the 19th instant between General Don Francisco Menendez and Señor Don José Rosales, holding the executive power, residing in San Salvador, as follows:

General Don Francisco Menendez, provisional President of the Republic, and Señor Don José Rosales, in charge of the executive power, residing in San Salvador, anir

mated by an ardent desire to re-establish tranquillity and order, and of putting an end to the horrors of a civil war which unfortunately afflicts all Salvadorians, and throwing a veil over the past, have appointed commissioners to arrange a peace upon just and equitable bases; to that end General Menendez has designated Dr. Don Jacinto Castellanos, and Señor Rosales has named Dr. Don Rafael Ayala and Dr. Don Manuel Trigueros, who, after having presented their full powers, and finding them in due form, have agreed to the following:

(1) Señor Rosales recognizes the provisional government presided over by General Don Francisco Menendez.

(2) General Menendez recognizes as a debt of the nation all that has been contracted by General Don Fernando Figueroa during the time he has exercised the supreme command, as also whatever Señor Rosales may have contracted in the same character.

(3) All the employés, civil and military, who have served during the administration of the said General Figueroa shall have full guarantees, and shall not be molested in their persons or property for their political opinions and offenses.

(4) The troops now stationed in San Salvador shall be disbanded to-morrow precisely, except two hundred men, under the command either of General Don Constantine Ambrogi, General Don Salvador Avila, or of Colonel Don José Maria Angulo. The arms shall be deposited in the national stores.

(5) The auxiliary troops of Nicaragua stationed in San Salvador shall proceed, at the latest on the 23d instant, to Zaragoza or to La Libertad, to join those who have last arrived at that port, there to re-embark as soon as possible. Those now at San Miguel or La Union will also re-embark in the last-named port immediately, and none of them shall be molested in any way while they remain in the country.

(6) It being a part of the programme of the provisional government to convoke a constituent assembly for the formation of a new fundamental law which shall guarantee the rights of Salvadorians in an efficient and permanent manner, General Menendez shall make such convocation as soon as possible, and giving to the people the most ample liberty in the election of their representatives.

(7) General Menendez declares that his only and exclusive object in placing himself at the head of the popular insurrection has been to establish in Salvador an honest government emanated from the national will.

(8) The liberating army and all the employés of the provisional government shall enter San Salvador the day General Menendez may be pleased to designate, and Señor Rosales will give the necessary orders, so that upon due notice sufficient provisions be prepared for the said army.

(9) The present agreement shall be transmitted by telegraph to General Menendez and Señor Rosales, so that they may, if approved, transmit their approval by the same medium, which shall be obligatory upon the contracting parties, in the act of exchanging such ratifications.

The minister plenipotentiary of Nicaragua, Don Modesto Barrios, who was present during these negotiations, manifested his satisfaction on account of the termination of the civil war in this Republic, and that to this end all his efforts have been directed since his arrival in the capital.

In testimony of all which we sign the present, in duplicate, at the hacienda of San Andres, on the 19th of June, 1885.

JACINTO CASTELLANOS.
M. TRIGUEROS.
RAFAEL AYALA.
MODESTO BARRIOS.

No. 91.

Mr. Hall to Mr. Bayard.

No. 378.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, June 27, 1885. (Received July 16.)

SIR: With reference to my No. 377, of the 26th instant, I have the honor to inclose herewith a copy and translation of a telegram from the minister for foreign affairs of Salvador, announcing the success of the revolution initiated by General Menendez, and the inauguration of the

provisional government of which he is the President. This information I communicated to you by telegraph, on the 25th instant, as follows :

The new minister for foreign affairs of Salvador announces the inauguration of the provisional government General Menendez President, and the pacification of the country. My opinion is that they are entitled to recognition.

HALL.

I am, &c.,

HENRY C. HALL.

[Inclosure in No. 378.—Telegram.—Translation.]

Señor Meza to Mr. Hall.

SAN SALVADOR, *June 24, 1885.*

I have the honor to inform your excellency that the revolution initiated in the month of May last past, for the overthrow of the administration of Dr. Don Rafael Zaldivar, who has been for a long time denounced by public opinion in this country, has obtained a complete and splendid triumph. The liberating army, commanded by General Francisco Menendez, whom the people have proclaimed provisional President, made his triumphal entry into this capital on the 22d instant, in the midst of enthusiastic popular acclamation; the provisional Government has been organized, and the whole Republic pacified.

The undersigned, having been appointed secretary of state in the department of foreign relations, has received instructions to communicate the event by telegraph to the Government of which your excellency is the worthy representative, as will also be done in the customary form and style, assuring your excellency that from this time the new Government of Salvador desires to cultivate with the Government your excellency represents, the most frank and cordial relations.

I beg your excellency to give information of this dispatch to your Government, to accept for the first time, the consideration of,

Your obedient servant,

RAFAEL MEZA.

No. 92.

Mr. Hall to Mr. Bayard.

[Extract.]

No. 394.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, July 22, 1885. (Received August 15.)

Sir: With my dispatch No. 156 of the 10th of August, 1883, I transmitted a copy of a decree, dated the 4th of the same month, relative to the construction of a railroad from the Atlantic coast to the capital of Guatemala. The decree established a capitation tax of \$40, the nominal value of one share of the stock on all persons, foreigners excepted, whose incomes or earnings were estimated at not less than \$8 a month, the tax to be paid in quarterly installments of \$1 each.

The management of the work was intrusted to a board of three directors; they organized and commenced their labors early in 1884, the board received the quarterly tax payment, employed a corps of engineers to make the survey, and entered into contracts for construction.

The enterprise progressed satisfactorily to all appearance for about a year; the taxes were collected from the poorer classes; the wealthy were called upon to subscribe for stock proportionate with their means; a respectable sum was thus accumulated in the International Bank of

Guatemala to the credit of the board, * * * to be applied upon the first emergency to any pressing requirement. Very soon after the death of Barrios, the balance remaining in bank was appropriated for other purposes. The decree of the 4th of August, 1883, was revoked, the tax was abolished, the board of directors dissolved, and the liquidation of affairs of the railroad was turned over to the department of public works.

Soon after the organization of the board of directors proposals to build the road were presented by different parties, but the only contractors who have attempted to carry out their engagements are Shea, Cornick & Co., who are represented in this city by Dr. D. P. Fenner. They undertook the construction of the first 60 miles of the road from the Atlantic coast—westward. They have completed and have received payment for 12 miles. In addition, there are 4 miles finished and ready to be received, and a large amount of disconnected work which would be ready for reception in the course of a few months. According to their contract they are to be paid upon the completion of each one mile of the road.

Since the Government assumed the obligation of the late board of directors matters have gone badly with the contractors; they appear to be absolutely dependent upon prompt payment for finished work to enable them to pay their workmen; a month's, and upwards, wages are now due to 300 men, most of whom are said to be American citizens, and the contractors have not even the means of supplying them with food. The agent, Dr. Fenner, has appealed ineffectually to the Government for payment of the money due; and at his instance, as set forth in his letter to me, I have made known to the President the situation of the contractors as regards their laborers, and have urged upon him the necessity of his giving the matter his attention. * * *

Upon receipt of a letter from the consular agent at Livingston, informing me that unless relief by the payment of their wages were promptly afforded, the laborers would be left destitute and without food, I called upon the President again and insisted that of the sums due to the contractors an amount sufficient to pay the wages due to the men and their passages to New Orleans be supplied at once. The result was a promise of the payment of \$25,000 the next day. The promise was fulfilled two days later, and yesterday the amount was forwarded to its destination.

At the interview referred to, I stated to the President that as regards the terms of the contract with Shea, Cornick & Co. I had nothing to do; that my mediation was solely in behalf of the laborers, who, it had been represented to me, were exposed to destitution and sickness in the swamps of the coast through the failure of the Government to fulfill its obligations with the contractors, and that unless relief were furnished immediately, I should be compelled to apply to my Government for a naval vessel to transport the men to the United States.

The Government now proposes to rescind the contract upon equitable terms; with that object they have appointed William Nanne, an expert in railroad matters, to enter into negotiations with the agent of the contractors. It is to be hoped that these negotiations will result in a satisfactory settlement, and an absolute winding up of the affair. The Government is not in a situation to fulfill its part of the contract, much less to build the road with its own resources.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 394.]

Dr. D. P. Fenner, general agent of Shea, Cornick & Co., contractors of the Northern Railroad of Guatemala, to Mr. Hall.

GUATEMALA, June 7, 1885.

SIR: We wish to call your attention to certain facts and occurrences which lately have taken place, seriously affecting the interests of Shea, Cornick & Co., contractors for 62 miles of Northern Railway of Guatemala.

In 1883 the Government of Guatemala issued a decree for a certain contribution to be paid by nearly every citizen of Guatemala, at the same time inviting subscriptions from foreigners as well as natives. Each person so contributing or subscribing received corresponding shares in the enterprise incorporated by the Government and known as the "Guatemala Northern Railroad." A president and board of directors were appointed and duly authorized to receive and receipt for money paid in by the shareholders as trustees, that the money should not be used other than for the lawful purpose for which it was collected, *i. e.*, to build the railroad.

The first collections demonstrated that the amount of money which could be safely expected to be paid into the treasury would amount to about \$700,000 per annum.

The directors were further authorized to contract for building of part or whole of the designed road, subject to the approval of the minister of fomento.

In May last, 1884, Messrs, Shea, Cornick & Co., contracted with the directors to build 62 miles from Puerto Barrios to Los Amates, at a round sum of \$30,000 per mile, equipped, and to be paid for, as shown in specifications of contract, to be finished in two years and — months, it being calculated that the receipts of the directors at that time would be almost sufficient to pay for the work, leaving, however, a deficit in the amount which might occur on the part of the directors before the work was concluded; in view of this probable deficit, Shea, Cornick & Co., allowed to be introduced into the contract a clause No. — by which in case the funds of the contribution, or of the stockholders would not be sufficient at any time to pay the contractors for work actually done, and to be paid for as expressed in the terms of the contract, that the directors should not thereby suffer immediately, but that the road should be *ipso facto*, become mortgaged to the contractors, who would continue work for three months, charging 10 per cent. interest on such moneys as were due.

(It will be noted by you that the contribution was collected quarterly, thus enabling the directors to have three months more time to pay than Shea, Cornick & Co. had to build.)

Matters went on well enough for some time, and the contractors had made their preparations to put on a much larger force than they actually had at work, being specially encouraged to this by the favorable season, and by the fact that the directors had on deposit in the bank about \$600,000 in coin, as well as also having effected favorable arrangements in England and the United States to purchase rails, locomotives, bridges, &c., as per article No. — of contract.

The war preparations early in March necessarily made the contractors circumspect in pushing the work by a much enlarged force, but no men were discharged, and work was and has been ever since steadily progressing.

Early in April the Government suppressed the contribution, the very basis upon which the contract was founded, giving no notice to the contractors nor making any provision to pay the contractors for work done or to be done, and the Government appropriated to other uses the money in the bank, and now the directors are abolished and absorbed into the ministries of fomento and hacienda, no notice being given to us, thus depriving us of having to do with the only legally recognized party of the other part to our contract.

Up to this time we have graded, received, and been paid for 12 miles. We have now another mile graded. The inspector was duly informed of this, but deliberately passed by the work on his way to Puerto Barrios without inspecting, thereby subjecting us to a long delay in receiving our money, it being the clear duty of the directors to have an engineer on the work to inspect as fast as our engineers give notice of completion.

But we especially wish to call your attention to the fact that the money which was in the bank has been seized and applied to purposes alien to that for which it was collected, and that the source of revenue has been abolished. We therefore declare that unless the Government make satisfactory arrangements for payment for work to be done, that we consider the Government has broken faith and the contract, and we think that arbitration should be appointed to arrange for our damages and losses.

D. P. FENNER.

[Enclosure 2, in No. 394.]

*Mr. Sarg to Mr. Hall.*UNITED STATES CONSULAR AGENCY,
Livingston, July 11, 1885.

SIR: * * * The situation of United States citizens connected with the construction of the Northern Railroad is becoming a very serious one. I do not pretend to analyze the claims which Messrs. Shea, Cornick & Co. may or may not have against the Guatemala Government, for payment of certain contract work; I confine my action to respectfully representing to you the situation some 300 laboring men will be thrown into, if inside of a very few days, money cannot be sent down from Guatemala.

I have seen and conversed with all of the subcontractors. They will be able to continue feeding the men for only two weeks more from this date, *at the utmost*, and will have to discharge them if this term comes round without money having been received. They have distinctly told me that no promise of money being paid at a later date will enable them to hold out one day longer. These 300 men will, without doubt, assemble here a few days after discharge destitute and in distress. Many have applied to me for advice, and agree to leave their claim for wages in my hands and return to the United States if transportation is provided.

I would respectfully suggest that in case the foregoing supposition should become a fact, that you empower me to provide food for such destitute United States citizens, and to send them to the United States on board of steamships running to New Orleans, at the expense of the United States Government, establishing a preferential claim against Messrs. Shea, Cornick & Co. for the amount of all such expenditure.

There are no agricultural or other enterprises in this district that could occupy one-fourth part of these men.

I will beg you to give your answer by telegraph.

I am, &c.,

JAMES F. SARG,
United States Consular Agent.

No. 93.

Mr. Hall to Mr. Bayard.

[Extract.]

No. 404.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA*Guatemala, August 31, 1885. (Received September 24.)*

SIR: I reported to you the steps I had taken to bring about an amicable understanding between the Governments of Guatemala and Nicaragua, and that President Barillas had expressed his readiness to receive any representative the Government of Nicaragua might be pleased to accredit to his Government for the promotion of that object. In virtue of that arrangement, ex-President Zavala has been sent with full powers; he arrived on the 10th instant, and was cordially received by President Barillas and his Government.

The differences between the two Governments have been amicably settled through mutual explanations; a protocol was agreed to and signed by the minister for foreign affairs of Guatemala and General Zavala, on the 27th instant. I have the honor to inclose a translation of this document and of the Nicaraguan minister's note accompanying it. He has also expressed to me verbally that, notwithstanding the just reasons his Government has had to think otherwise, he is now satisfied the Governments of Guatemala and Salvador are disposed, as it is to their interest to maintain peace with Nicaragua. It is to be hoped that he is not mistaken.

* * * * *

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 404.—Translation.]

*General Zavala to Mr. Hall.*LEGATION OF NICARAGUA,
Guatemala, August 30, 1885.

MY DEAR SIR: * * * I transmit to you a copy of the protocol, which I have signed with the minister of foreign affairs, re-establishing the frank and cordial relations which have heretofore existed between Guatemala and Nicaragua.

It is a pleasure to me to express to you, on the part of my Government, its sincere thanks, and my own, for your friendly mediation, through which this result has been obtained.

* * * * *

JOAQUIN ZAVALA.

[Inclosure 2 in No. 404.—Translation.]

Protocol of the conference which took place on the 27th August, 1885, between General Joaquin Zavala, envoy extraordinary and minister plenipotentiary of the Government of Nicaragua, and the licentiate Señor Don Manuel Ramirez, secretary of state in the department of foreign relations, as plenipotentiary on the part of the Government of Guatemala, with the object of making certain explanations necessary for establishing upon bases of cordiality and frankness the relations of friendship existing between the two Republics.

The plenipotentiary of Guatemala stated that his Government had considered the autograph letter of his Excellency the President of Nicaragua, dated the 16th May last, as little friendly in its terms, which are far from being in sympathy with those which the general in charge of the Presidency used in communicating to the former his elevation to office.

The plenipotentiary of Nicaragua declared that he admits the justice of this observation that the document was written under the pressure of difficult circumstances, which had powerful influence over his excellency Señor Cardenas; and that in the opinion of the exponent the fault is exculpated in the autograph letter which accredits him as envoy extraordinary and minister plenipotentiary near the Government of this Republic.

The plenipotentiary of Guatemala stated that one of the conditions stipulated for the re-establishment of peace between the five Republics was that each one of the Governments should issue a decree of amnesty in favor of its respective political exiles, and that the Government of Nicaragua had not fulfilled that stipulation.

The plenipotentiary of Nicaragua replied that his Government, in giving its power to Dr. Zaldivar, then President of Salvador, to make peace, reserved to itself, as did Costa Rica, the right to be consulted as to the details of the treaty; that notwithstanding Nicaragua was not consulted, but desiring to realize that object it gave in its adherence to the treaty, and did not decree an amnesty, because the exiles themselves created obstacles and, through the press, rejected the amnesty, and boasted that the Governments of Guatemala, Salvador, and Honduras protected them in their aggressive designs, against the constitutional Government of that Republic.

The plenipotentiary of Guatemala admitted that the foregoing explanations justify the omission of the decree of armistice, and added that inasmuch as the interior tranquillity of Guatemala cannot be secure if there should be any disturbances in Honduras or Salvador, he confidently expected that the Government of Nicaragua would display an efficient zeal in preventing the formation of factions either from that State or of the malcontents of either of the other two Republics.

The plenipotentiary of Nicaragua declared that his government has not protected nor will it protect nor consent, within its territory, to the formation of any faction which might carry perturbations into the neighboring republics.

The plenipotentiary of Guatemala declared that the difficulties between Nicaragua and Guatemala being thus terminated, the frank and cordial relations of friendship, which unfortunately have been altered by late events, are hereby renewed.

In testimony of which the said plenipotentiaries have signed the protocol in duplicate and have attached thereto their respective seals. Done in the city of Guatemala, the 27th day of August, 1885.

[SEAL.]
[SEAL.]

JOAQUIN ZAVALA.
MANUEL RAMIREZ.

No. 94.

Mr. Bayard to Mr. Hall.

No. 285.]

DEPARTMENT OF STATE,
Washington, September 1, 1885.

SIR: I received on the 28th ultimo, a telegram dated San Pedro, August 27, 1885, in the following words: "Am informed steamer City of Mexico, now in New York, is ready for filibustering expedition to Honduras. If so, please prevent." It was signed E. A. Lever, consul, whom I understood to be the recently recognized consul of Honduras at New Orleans.

I at once brought this telegraphic information to the attention of the Attorney-General and the Secretary of the Treasury for such action as their respective Departments might deem proper.

I am in receipt of a letter from the Acting Attorney-General of the 28th ultimo, wherein he states that the attorney of the United States for the southern district of New York had that day been instructed to take such steps as might be necessary to prevent any violation of the neutrality laws; also one from the Acting Secretary of the Treasury of the 29th ultimo, who observes that the collector of customs at New York has been directed to investigate the equipment of the steamer, to watch her movements and report to that Department, as well as to take proper measures against any person, or the steamer herself if a liability to proceedings for a violation of the neutrality laws arises under sections 5283, 5286, 5287, or 5290 of the Revised Statutes of the United States.

I have apprised Mr. Lever at his New Orleans address of the nature of the action of this Government to prevent any unlawful act in this case, but as he may not receive my letter until late, I deem it prudent to instruct you to communicate the facts herein presented to the Government of Honduras.

I am, &c.,

T. F. BAYARD.

No. 95.

Mr. Bayard to Mr. Hall.

No. 288.]

DEPARTMENT OF STATE,
Washington, September 7, 1885.

SIR: I herewith inclose, in connection with No. 285 of the 1st instant to you, a copy of a letter from the Acting Secretary of the Treasury, of the 4th instant, respecting the steamship City of Mexico, alleged to be fitting out with a view to a filibustering expedition against Honduras.

I have furnished Mr. Lever, the consul of Honduras at New Orleans, a copy of the report of the inspectors in this case, and stated that although the report apparently presented no evidence tending to confirm his suspicions, the vessel being now in a dry-dock pending a lawsuit in regard to certain recent repairs and having on board only a supply of coal, the surveyor had been directed to continue to exercise careful surveillance over her to prevent any violation of the neutrality laws.

You will, however, make suitable communication of the within information to the Government of Honduras for the reasons stated in my No. 285.

I am, &c.,

T. F. BAYARD.

No. 96.

Mr. Hall to Mr. Bayard.

[Extract.]

No. 410.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, September 11, 1885. (Received October 6.)

SIR: I have the honor to inclose a translation of a communication from the acting minister for foreign affairs of Honduras, received to-day, in which I am requested to inform the Department in regard to the designs of ex-President Soto against the peace of that state. He refers to and incloses a copy of a letter from Mr. Jacob Baiz, consul-general of Honduras in New York, giving the information that A. D. Straus & Co., of that city, have purchased the steamer City of Mexico, with the object of sending her to the north coast of Central America in response to a revolutionary movement. The Spanish minister here has information that it is suspected that the steamer may be engaged to carry an expedition to Cuba. President Bogran, however, believes that her destination is against Honduras.

It would be strange that Baiz, who appears to have positive information on the subject, should not, in the absence of the Hondurian minister, have informed the Department of these movements.

* * * * *
I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 410.—Translation.]

Señor Gomez to Mr. Hall.

MINISTRY OF FOREIGN RELATIONS OF HONDURAS,
Tegucigalpa, August 21, 1885.

Mr. MINISTER: With the certified copy, which I have the honor to inclose, of a letter addressed to this ministry by the consul-general of Honduras in New York, we are informed that the steamer City of Mexico has been purchased with the intention to send her to the north coast of this Republic in support of a revolutionary movement which it is asserted will take place here.

In presence of these data, emanating from a source in which my Government has all faith, the President has instructed me to address you, and to invite your serious attention to the attempts which are directed towards a disturbance of the peace of this Republic, and which undoubtedly have their origin in New York, where some of the enemies of the present administration reside, and among whom figures in the first rank ex-President Don Marco Aurelio Soto.

In compliance, therefore, with these instructions, permit me to call your attention to this matter, and to beg that you will bring it to the knowledge of the Government of the United States, to the end that it may be pleased to instruct the proper authorities to exercise the greatest vigilance to prevent the departure from New York or from any other place in the United States of expeditions which may come to disturb the peace of this country or of any other of the sister Republics of Central America.

I have, &c.,

C. GOMEZ.

[Inclosure 2 in No. 410.—Translation.]

Consul Baiz to President Bogran.

NEW YORK, August 1, 1885.

MY DEAR SIR AND FRIEND: At this moment I have learned that the house of A. D. Straus & Co. has purchased the steamer City of Mexico, and I am assured that it is with the object of sending her to the north coast of those Republics (Central America) in response to a revolutionary movement. That house is the same which a short time ago dispatched the steamer Dorian with a cargo of arms and provisions for the coast of that Republic, and which returned without having been able to discharge.

For want of time and not having the complete details I cannot be more extended by this steamer, but I will be in my next.

I am, &c.,

JACOBO BAIZ.

No. 97.

Mr. Hall to Mr. Bayard.

[Extract.]

No. 427.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,

Guatemala, September 29, 1885. (Received October 30.)

SIR: In my No. 410, of the 11th instant, I inclosed a copy of a communication from the minister for foreign affairs of Honduras, in which he reported to me the information his Government had received relative to a hostile expedition against Honduras that ex-President Soto was believed to be preparing in New York through the medium of A. D. Straus & Co.

It appears from the accompanying inclosures that an unsuccessful attempt had previously been made to land an expedition of the same character in Honduras from the British steamer Dorian; that the vessel was cleared at New York by the same A. D. Straus & Co., on the 29th May, for Bluefields, Nicaragua, where she made her appearance about the 1st of July. On the 15th of July she anchored off Cape Gracias à Dios, also in Nicaragua, where some of the ship's company went ashore and inquired for one General Briosio. Not obtaining the information sought for, nor receiving any encouragement from the Nicaraguan authorities at that place, those in command of the steamer decided to return to New York, where, it appears, they arrived on the 8th of August without having been able to effect a landing. After the steamer had left the coast of Honduras the British gunboat Lily, in search of the same vessel, arrived at Truxillo.

* * * * *

I have, &c.,

HENRY C. HALL.

Inclosure 1 in No. 427.—Translation from La Republica, Tegucigalpa, Honduras, of August 15, 1885.]

Return of the filibustering steamer Dorian to New York.

The following letter, dated New York, the 8th ultimo, has been received in this city:

“SIR: The fact that the steamer Dorian, which was dispatched at this port for Bluefields, Nicaragua, on the 29th May, has returned with the same cargo she carried

away, induces me to give you the data I have been able to collect, and from which it appears that the steamer did not sail for Nicaragua, as cleared, but for Honduras, and not being able to discharge her cargo, or perhaps there were no inducements to discharge, has returned and has discharged here.

"The charter was at the rate of \$100 a day.

"The cargo comprised 50 cases of rifles and bayonets, 1 case containing a drum, 10 cases carbines, 1 case cornets, 1 case sabers and belts, 4 cases cane knives and sheaths, 20 cases knapsacks, 3 cases saddles, 1 case tools, 8 cases hardware, 4 cases shirts, 610 cases cartridges, 3 cases percussion caps, 88½ barrels flour."

* * * * *

The vessel was dispatched by A. D. Straus & Co.

[Inclosure 2 in No. 427.—Translation from La Republica, Tegucigalpa, Honduras, August 22, 1885. - Copied from El Porvenir of Nicaragua.]

The paragraphs taken from the Nicaraguan newspaper El Porvenir, relative to the filibustering expedition, are the following:

"The expedition against Honduras is not an invention. It is a fact that the steamer Dorian, under the British flag, anchored the 15th July some fifteen miles off Cape Gracias à Dios, having on board Generals Emilio Delgado, Antonio Medina, and, it is said, a splendid armament; there was also a Cuban general named Rosado. Some foreigners belonging to the crew went ashore, and inquired with great interest for General Brioso. They wanted to ship some laborers to cut wood, but the authorities would not consent to it.

"Some twenty-two hours later the steamer sailed in the direction of the coast of Honduras, and finding it well sentinelled it sailed for Belize, where the Hondurian emigrants were taken on board, among them Don Francisco Caceres.

"Previous to the 15th of July the steamer was in the Bay of Bluefields.

"The expedition meets with serious difficulties, for although it might land at any point on the coast, it would be where there are no inhabitants and no means of conveyance. The expedition needs a place like Omoa, Truxillo, or Puerto Cortez to organize in."

No. 98.

Mr. Bayard to Mr. Hall.

No. 294.]

DEPARTMENT OF STATE,
Washington, October 7, 1885.

SIR: I have received your 410, of the 11th ultimo, in relation to the alleged plottings against the peace of Honduras, and the purchase of the steamer City of Mexico, to be fitted out at New York for a filibustering expedition against that country.

In this connection, reference is here made to the Department's previous instructions, Nos. 285 and 288, of the 1st and 7th ultimo, concerning that vessel and her intended mission.

Since then I have received a further letter from the Secretary of the Treasury, of the 1st instant, reporting that upon a careful inspection of the vessel's cargo and equipment nothing appeared to be found in violation of the neutrality laws of the United States, and asking whether, under these circumstances, there was any objection to granting the City of Mexico a clearance. I immediately replied that none was perceived, and it is understood that the vessel has since sailed from New York.

I add, for your further information, a copy of Mr. Manning's letter upon this subject, with its accompaniments.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 294.]

*Mr. Manning to Mr. Bayard.*TREASURY DEPARTMENT,
Washington, October 1, 1885.

SIR: Referring to previous correspondence, I have the honor to transmit herewith a copy of a communication of the 30th ultimo from the collector of customs at New York, inclosing a copy of the report of two inspectors of customs in regard to the lading of the steamer City of Mexico, now under surveillance at that port. The letter states that nothing in the cargo or equipments of the vessel seems to be in violation of sections 5283, 5286, or 5287, R. S., and that the collector's office has no information tending to show an effort to violate the neutrality laws in the employment of the steamer.

As the steamer proposes to sail to-day, I would thank you for a telegraphic communication as to whether there is any valid objection to the granting of a clearance.

I have, &c.,

D. MANNING,
Secretary.

[Inclosure in inclosure in No. 294.]

*Mr. Hedden to Mr. Manning.*CUSTOM-HOUSE, NEW YORK CITY,
Collector's Office, September 30, 1885.

SIR: Referring to Department letter of 29th ultimo (D. L. 13,204) and to reports of this office of 3d and 19th instants, in the matter of the allegation that the steamship City of Mexico was being fitted out at this port for a filibustering expedition against Honduras, I herewith transmit copy of report this day received from the surveyor to the effect that the cargo which has been laden on the vessel consists of miscellaneous merchandise, hardware, glass, dry goods, lard, machinery, &c., and 7 cases of cartridges, and ten kegs shot; and that by the most careful inspection of each package laden nothing is found in cargo or equipments showing violation of sections 5283, 5286, or 5287, R. S.

No information has been received at this office tending to show intention to violate neutrality law or, 5290 section, R. S.

As stated by the surveyor, the cargo laden is not of a suspicious character, unless the 7 cases of cartridges and 10 kegs shot are so considered.

It is understood that application for clearance of vessel will be made to-morrow, the 1st instant, and your telegraphic instructions are desired as to the action of this office.

I am, &c.,

E. L. HEDDEN,
*Collector.**Messrs. Meeks and Garley to Mr. Beattie.*CUSTOM-HOUSE, NEW YORK CITY;
Surveyor's Office, September 30, 1885.

SIR: We have to report that the steamship City of Mexico is now almost laden.

Her cargo consists of a miscellaneous lot of goods, such as is generally exported to Mexico and South American ports, viz: hardware, glass, dry goods, lard, machinery, &c.; also seven cases cartridges and ten kegs shot.

By the most careful inspection of each package laden, we find nothing in her cargo or equipments that would violate sections 5283, 5286, or 5287, R. S.

Respectfully submitted.

MEEKS AND GARLEY,
Inspectors.

No. 99.

Mr. Hall to Mr. Bayard.

No. 429.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,*Guatemala, October 10, 1885. (Received November 6.)*

SIR: I have the honor to acknowledge the receipt, on the 8th instant, of your instruction No. 285 of the 1st ultimo. In compliance therewith, I have advised the minister for foreign affairs of Honduras by telegraph that steps have been taken to prevent the departure of any expedition against that Republic in violation of the neutrality laws of the United States.

By telegram of this date the minister, in reply, expresses the grateful acknowledgments of his Government. I inclose copies and translations of the telegrams referred to.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 429.—Telegram.—Translation.]

Mr. Hall to Señor Zelaya.

GUATEMALA, October 8, 1885.

To the MINISTER FOR FOREIGN AFFAIRS,

Tegucigalpa, Honduras :

The honorable the Secretary of State instructs me to make known to your Government that steps have been taken to prevent the departure of any expedition against Honduras in violation of the laws of neutrality of the United States.

HENRY C. HALL.

[Inclosure 2 in No. 429.—Telegram.—Translation.]

Señor Zelaya to Mr. Hall.

TEGUCIGALPA, October 10, 1885.

Minister H. C. HALL,

Guatemala :

I thank your Government, in behalf of my own, for the interest it takes in favor of Honduras, by dictating opportune measures to impede the departure of any filibustering expedition against her.

This rectitude of conduct on the part of your Government will not only favor the natives of this country who are engaged in peaceful labors, but it will encourage the important North American enterprises, which rely for their success upon the good order and tranquillity which the Republic now enjoys, &c.

JERONIMO ZELAYA.

No. 100.

Mr. Bayard to Mr. Pringle.

No. 305.]

DEPARTMENT OF STATE,
Washington, November 18, 1885.

SIR: I have received Mr. Hall's dispatch No. 404 of August 31 last, announcing that ex-President Zavala, of Nicaragua, had accomplished the object of his recent visit to Guatemala, and that the amicable rela-

tions between those two sister Republics which the decree of the late President Barrios of February 28 last had temporarily interrupted, had been re-established.

The President directs me to say that he has been much gratified at this intelligence and to express his willingness to permit our representatives in Central America to use their influence to that end, when it can with full recognition of the sovereign rights of those States. He hopes also, as do the people of the United States, that not only may there be between the Central American Republics the most perfect, cordial, and friendly understanding, but that the fullest measure of success may be realized through their combined peaceful endeavors, and a new era of prosperity be vouchsafed unto them.

I am, &c.,

T. F. BAYARD.

No. 101.

Mr. Bayard to Mr. Pringle.

No. 307.]

DEPARTMENT OF STATE,
Washington, November 28, 1885.

SIR: I have received Mr. Hall's dispatch of September 29 last, No. 427, relative to the plottings of ex-President Soto against the peace of Honduras and the part taken in the same by the British steamer Dorian, through the assistance of Messrs. A. D. Straus & Co., of New York.

I have inclosed a copy of Mr. Hall's dispatch to the Attorney-General and have observed that it might be proper to instruct the district attorney at New York City in regard to the alleged operations of Messrs. A. D. Straus & Co., to the end that in case they were infringing the neutrality laws of this Government all necessary steps could be taken in the premises.

I am, &c.,

T. F. BAYARD.

CHINA.

No. 102.

Mr. Young to Mr. Frelinghuysen.

No. 574.]

LEGATION OF THE UNITED STATES,
Peking, December 12, 1884. (Received February 16, 1885.)

SIR: A conspicuous incident of the affair at Foochow was the gallantry shown by several of the young Chinese students who had been educated in the United States and were afterwards assigned to duty in various branches of the Government service. Five were, as is reported, on the Chinese gunboats during the action at Foochow, and one of them lost his life.

The Department will have learned from my dispatch No. 148, dated March 13, 1883, of the interest which the legation has taken in the fortunes of the young men who studied in the United States, and my deep

regrets at the cessation of that educational experiment, whenever occasion served, and it could be done in a becoming manner. I have expressed this regret to the prince and the viceroy, in the hope that I might revive an interest in the subject and persuade the Government to send more students and perhaps establish the system on a permanent basis.

The main objection to the education of the young Chinese in America was the allegation that they became denationalized; they forgot the customs and even the language of their own country, and returned Americans in feeling and not Chinamen. This was an argument that I could not answer, except by the general assertion of my belief that the more thoroughly acquainted Chinamen became with the literature, science, arts, and laws of the United States the better it would be for China.

When it appeared, therefore, at Foochow, that these "denationalized" students had shown conspicuous bravery and patriotism; that an education in America had really made them able to render their country an essential service, I brought the matter again to the attention of the prince and the viceroy in an informal conversation. His highness saw the force of the illustration, which events made it in my power to advance, and gave me to understand that the question of reviving the educational system in America would, as soon as French affairs were adjusted, have his careful and most favorable consideration.

After the conversation I addressed his highness an informal note, in order that the subject may be a matter of record in the legation for the convenience of my successors who may care to revive it. This and the reply of the prince will be found as inclosures to this dispatch.

Trusting that my action will meet with your approval,
I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 574.]

Mr. Young to the foreign office.

LEGATION OF THE UNITED STATES,
September 2, 1884.

YOUR IMPERIAL HIGHNESS AND YOUR EXCELLENCIES: The American minister presents his compliments to his imperial highness the prince and their excellencies the ministers of the yamên, and begs to state that he has noticed an account in the foreign newspapers to the effect that in the fight which occurred between the Chinese and the French forces at Foochow the Chinese displayed bravery in fighting for their country, and conspicuous among those who distinguished themselves were five of the students who were educated in America and who were serving on board the Yung Wu. These students showed ability in firing their guns and fought to the very last, fearless of death, and they did not leave the vessel until she commenced to sink, when they jumped into the water and swam for their lives. One of the students, nephew of Mr. Yung Wing, late assistant minister of China to the United States, was killed.

The American minister desires to express to his imperial highness and ministers of the yamên his deep sense of regard for the bravery of these young men. It has been stated that it was to be feared that these students in undergoing a system of foreign studies would not prove of any great service to their country, but judging from these recent acts above recited it is manifestly evident that they have done great service to China, and that their education in the United States has not proved fruitless. They have fully shown themselves not only worthy of their country's favor, but they have also shown themselves brave.

It cannot, therefore, be said that they are of no service to their country. It is the hope of the American minister that the Government will, in future, at the proper time,

again favorably consider the question of sending another group of students to America, as events have confirmed the opinion he has expressed to your highness that the education they would receive would be of benefit to China.

In sending this note the American minister hopes that it will receive the favorable consideration of his imperial highness and their excellencies the ministers of the yamên.

[Inclosure 2 in No. 574.—Informal.]

The foreign office to Mr. Young.

YOUR EXCELLENCY: On the 2d September we received a note from your excellency wherein you stated that you had read an account in the foreign newspapers to effect that five of the Chinese students (who were educated in America) serving on board of the Chinese vessel Yung Wu had displayed themselves in firing the guns of that vessel during the fight which ensued between the Chinese and French forces at Pagoda Anchorage; that they showed courage, and were not afraid to die for the cause they espoused; that one of the students was killed in the battle; and that it was manifestly apparent that these students were thoroughly patriotic, and that the education they acquired in the United States had not proved fruitless. And it was your hope that China would again, at stated periods, send boys abroad to be educated.

In answer, we would state that the object of sending students abroad to study is to prepare them for being of service to China, when called upon.

The prince and ministers feel very much grieved at the loss of one of the students who fought for his country at Foochow.

In regard to the educational mission to America, the question has been laid before the throne and is on record. As to whether or not students are to be sent abroad in future, it will be necessary to first have the sanction and permission of the Emperor, and then action can be taken in the premises.

Cards and compliments.

PEKING, October 1, 1884.

No. 103.

Mr. Young to Mr. Frelinghuysen.

No. 596.]

LEGATION OF THE UNITED STATES,

Peking, December 27, 1884. (Received February 25, 1885.)

SIR: There has been much discussion recently in mercantile and official circles in China in regard to the falling off in the tea trade. The effect of this is seen in many ways, especially in its effect upon business. Inquiry shows that this is largely to be attributed to the efforts of the Indian Government to develop tea-culture in Assam.

The success of these efforts will be seen in the fact that while in 1870 England imported from Assam 10,000,000 pounds of tea, the import has steadily increased until in 1884 it is estimated at 66,664,359 pounds. While the Indian export has been advancing, that from China has been decreasing, falling off from 125,000,000 pounds in 1879 to 110,000,000 pounds in 1882. This is to be accounted for by the better methods of Government which prevail in India, the adoption of modern appliances in agricultural machinery and methods of culture, and in a much more liberal commercial policy than what prevails in China.

It is a lamentable fact that while the growth of tea diminishes in China, the opium harvest increases. Opium gradually supplants tea. If England should lose her Indian revenues from opium, she will gain them from tea. No one can deny that this will be a sorry exchange for China. In the event of the continuance of war between China and France, one of the immediate results to be anticipated is the development of tea-culture in India. As during our own war the cotton growth was transferred from the Southern States to India and Egypt, so it is within the range of probability that one of the consequences of the

present war will be the transfer of the tea trade from China to India and Japan. Whether China will be able to recover it when peace comes, as we recovered our cotton trade, is very doubtful.

I am, &c.,

JOHN RUSSELL YOUNG.

No. 104.

Mr. Young to Mr. Frelinghuysen.

No. 631.]

LEGATION OF THE UNITED STATES,
Peking, January 20, 1885. (Received March 16.)

SIR: I have the honor to inclose a copy of a dispatch from Mr. Consul Seymour at Canton. Mr. Seymour forwards to the legation copies of inflammatory publications in Chinese text issued in Canton, intended to incense the people against the foreigner, and more particularly natives who have become Christians. These are sold about the streets, and at this time, with the public mind incensed against France, and disposed as the people are to confound all foreigners with Frenchmen, do harm. As a specimen, I annex a summarized translation of a memorial from the imperial commissioner to the throne, which has gone into general circulation. The memorialist, an official of very high rank, alleges that Christianity is only accepted by "loafers or men of no occupation, greedy of a little gain."

He furthermore says that "bad characters and pettifoggers join Christian churches to escape the laws of their country. Out of this come troubles, and, at times, outbreaks." The memorialist admits that it is impossible to prevent the missionaries from making converts, but, while preventive means so far as disseminating Christian ideas are impossible, there might be measures of restriction. Chinese converts to Christianity should be registered. Small tablets bearing in Chinese characters the word "Christian" should be nailed over the door of each convert's home. They should wear a distinctive dress—a short coat, not a long one. As nothing could be more mortifying to a Chinaman than to compel him to change his long garment for a short one, as the change would be virtually putting upon the converts a stigma or a brand, the memorialist naively adds that "this will move them to shame, and thus break off the means of obtaining converts."

It would be difficult, considering the oriental character as well as the manners and customs of the Chinese, to devise a more ingenious and effectual method of persecution than this. In reading it it is only just to the Chinese memorialist to remember the methods adopted in former times and in Western lands for the conversion of the Hebrew race and the extirpation of various forms of "heresy." Such a recommendation, however, coming from an imperial commissioner, and addressed to the throne, naturally, as Mr. Seymour informs the legation, made an unfortunate impression upon the Chinese, and caused much anxiety to foreign teachers and others engaged in mission work. An address by way of protest was prepared by the representatives of three of the missions in Canton, British, German, and American, to be forwarded to the respective legations in Peking. A copy of this I inclose.

In this address the missionaries protest against the allegation of the memorialist, that they interfere with the administration of Chinese justice in the courts or prisons. They deny that they have ever aimed to establish any right of asylum, as it were, in their churches, chapels, or

religious houses, the effect of which being to secure for the Chinese Christians exemption from the laws. They claim simply that Chinese Christians shall be treated as Mohammedans, Buddhists, or Confucians, as loyal subjects of the Empire, and not as aliens or rebels.

Mr. Seymour, as I have said, does not give a pleasant impression as to the policy pursued at Canton by the imperial commissioner, but charges him directly with having twice aroused the populace to hostile demonstrations against foreign residents and native Christians.

As the address of the missionaries was likewise sent to my colleagues of the English and German legations, I conferred with them as to the joint action appropriate under the circumstances. The indisposition of one of my colleagues prevented its immediate consideration, but I trust we shall be able to enter upon its discussion in a day or two. I expressed my willingness in conversation with Sir Harry Parkes to unite in an earnest remonstrance to the yamên.

The subject is one of the most difficult attending our relations with China. Questions are continually arising as to the status of native converts to Christianity. In dealing with them we are met with the consideration which it is difficult to answer, namely, the right of the Emperor to do what he pleases with his own subjects. While this might be conceded as a general proposition, the treaties are clear upon the subject. And in the treaties, whenever there is an expressed covenant, we must find our only tenable ground for dealing with the Chinese authorities.

In the treaty of 1858, signed by my predecessor, Mr. Reed, Article XXIX declares that—

The principles of the Christian religion as professed by the Protestant and Roman Catholic Churches, are recognized as teaching men to be good, and to do to others as they would have others do to them.

The Emperor of China, in this convention, accordingly engages that those who “quietly profess and teach those doctrines shall not be harassed or persecuted on account of their faith.” It is furthermore declared—

That any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches or practices the principles of Christianity, shall in no case be interfered with or molested.

In the Russian treaty of 1858, provisions not only for the protection of Russians in the observance of their faith, but also for the protection of Chinese converts to the Russian faith, are even more explicit than in the American treaty:

Le gouvernement Chinois ayant reconnu que la doctrine chrétienne facilite l'établissement de l'ordre et de la concorde entre les hommes, promet de ne pas persécuter ses sujets chrétiens pour l'exercice des devoirs de leur religion ; ils jouiront de la protection accordée à tous ceux qui professent les autres croyances tolérées dans l'Empire. Le gouvernement Chinois considérant les missionnaires Chrétiens comme des hommes de bien qui ne cherchent pas d'avantages matériels, leur permettra de propager le Christianisme parmi ses sujets, et ne leur empêchera pas de circuler dans l'intérieur de l'Empire. Un nombre fixe de missionnaires partant des villes ou ports ouverts sera muni de passeports signés par les autorités Russes.*

*The Chinese Government having recognized that the Christian doctrine facilitates the establishment of order and of concord among men, promises not to persecute its Christian subjects for the exercise of their religious duties ; they shall enjoy the protection granted to all those who profess other creeds tolerated in the Empire. The Chinese Government, considering missionaries as good men, seeking for no material advantages, will permit them to propagate Christianity among its subjects, and will not prevent them from moving about in the interior of the Empire. A certain number of missionaries leaving open towns or ports shall be provided with passports signed by the Russian authorities.

These provisions are emphatic enough so far as they affirm the duty of the Emperor of China to protect Christian missionaries and converts. Stipulations to the same effect are found in the conventions with Great Britain, Germany, Belgium, Denmark, Holland, Italy, France, and Spain. The provision of the French treaty, especially as it appears in a translation from the Chinese text, is more comprehensive and precise, and worthy of consideration, considering our rights under the favored-nation clause :

ART. VI. It shall be promulgated throughout the length and breadth of the land, in the terms of the imperial edict of the 20th February, 1846, that it is permitted to all people in all parts of China to propagate and practice the teaching of the Lord of heaven; to meet together for the preaching of the doctrine; to build churches and to worship; further, all such as indiscriminately arrest (Christians) shall be duly punished; and such churches, schools, cemeteries, lands, and buildings as were owned on former occasions by persecuted Christians shall be paid for, and the money handed to the French representative at Peking, for transmission to the Christians in the localities concerned. It is in addition permitted to French missionaries to rent and purchase land in all the provinces, and to erect buildings thereon at pleasure.

France has taken special interest in the missionary question, as upon her practically devolves the protection of the members of the Roman Catholic communion. The members of this communion—native converts, I mean—so far as I can learn, are largely in excess of those of any other Christian body. We must remember, however, that for generations the Roman Propaganda has taken a deep interest in China, and had it not been for the persecutions of suspicious sovereigns would now, in all probability, be as strongly established as Mohammedanism. How far the unfortunate suspicions of the sovereigns—leading, as they did, to such unhappy consequences—were aroused by an indiscreet energy on the part of the early missionaries of the Roman Church, history leaves as a matter of speculation. As they were generally members of the Society of Jesus, we know enough of the profound and courageous policy of that venerable order to be assured that there was no lack of zeal on the part of its representatives in China. I have seen nothing in the Chinese character or philosophy to show that either rulers or people have religious antipathies. Among the ruling classes the feeling does not exist. As a general rule these high officials are Confucians, and there could be no creed more tolerant than that taught by the illustrious teacher.

There are practical difficulties in the dissemination of the Christian faith, whether in Roman, Greek, or Protestant form, worthy of consideration in looking at the political or diplomatic aspects of such questions as this which comes from Canton. The "conversion" of a Chinaman means more than is understood in the accepted meaning of that word. The convert has so much to learn, so much to forget. If conversion were simply the acceptance of a new dogma, or learning a new creed, or the acceptance of a new system of theological speculation, the labor of teaching would be simple. There are points of agreement in doctrine and tradition between existing forms of faith in the West, which make easy the teaching of any special form of Christianity. Even in Islam you see a dependence upon the Hebrew Scriptures. But I have found no vestige of that influence in the religious systems of China, and, more especially, nothing in the manners or the customs of the people to make the Mosaic dispensation agreeable. For a Chinaman to accept Christianity involves so complete a surrender of all that belongs to his education, his theory of government and society, his views of nature, his ancestral worship, his domestic relations, and his modes of life, that it is a wonder that a convert is ever made.

So far as I can see, converts come from the humbler classes. I am gradually coming to the opinion that there are few instances where conversion is not associated with a sentiment of self-interest. The missionary does not come simply with a Bible in his hands. He brings other bread than the Bread of Life. He looks after the sick he takes the maimed and the halt into a hospital and nurses them. He strives to avert pestilence and famine. The children are taken into schools, which practically means shelter, clothing, and food. The pious women at the mission stations have access to Chinese homes, and gradually establish a practical influence of a domestic character in Chinese family life. In a country so populous and so poor, with the dread of famine ever present; where the question of mere subsistence for millions is paramount; where food and shelter are chief considerations; where even clothing is a secondary matter, a propaganda which not only offers food and shelter, but medicine and counsel and friendly aid, cannot but advance. I see no other way in which advancement is possible. Naturally, however, it is only the poor—the very poor—who are converted.

I have made this digression for the purpose of establishing two points. The first is the difficulties attending mission work in China, and that Christianity, seeking so radical a change in Chinese life, makes its advance even in its mildest forms an aggressive influence. The second is, that the ruling classes have no sympathy with it, and would regard with indifference the spread of the gospel so long as there was no fear that the new faith would be used for political purposes.

The only Chinese statesman within my knowledge who has shown any interest in the missionary work, or any desire to aid it, is the viceroy Li. This arose from the fact that a medical member of one of the missionary boards in Tien-Tsin was enabled, at a critical time, when the viceroy's wife was ill, to save her life. This awakened in the mind of Li a sentiment of interest and gratitude. From this has come much good so far as the protection of missionary interests in the north is concerned.

Apart from the fact that China always looks upon everything new with suspicion, and that the character of the people is as unimpressible as granite, I believe that no country could be more tolerant of a religious propaganda. There is no faith, for instance, more aggressive than that of Mohammed. Islam taught that paradise was to be found under the shadow of the sword. And yet Mohammedanism has millions of believers in China. They keep their customs, and differ from other Chinese in some slight peculiarities of costume; but they are essentially a part of the Chinese nation. It has taken generations to bring about this assimilation, and I am afraid other generations must come and go before the gentler faith of Jesus achieves its due dominion.

If it be true that China looks with indifference upon the efforts to spread the gospel, why these persecutions in Canton? The reasons are political, not religious. China is at this time swayed by one antipathy—hatred of France. In this dense and ignorant community all foreigners are alike. The rulers know better; but the intelligence of the yamên is not generally found in a tea-house or on the highway. Our friends, therefore in Canton and elsewhere, have to submit to the fact that, in the eyes of many classes of Chinese, they are a part of the movement which disturbs the peace of China and threatens the integrity of the Empire.

All that we can do is in the first place to take means for the protection of our people. Admiral Davis has done all that he can do with his small naval force. In this, as the Department knows, the admiral has

been in accord with the commanders-in-chief of other squadrons. Canton, ever since the riot in 1883, has been under the guns of American and other men-of-war.

As you are aware from previous dispatches, the question of the protection of the open ports when war threatened was made the subject of careful and minute preparations. Since these arrangements were consummated the legation has had no anxiety about the safety of our people. Admiral Davis has done his share loyally in carrying out the agreement between the powers referred to in my dispatch No. 318, dated January 6, 1884. Although but one American resides in Newchwang, an American gunboat is now there, and will remain frozen in all winter. But while Admiral Davis is protecting other nationalities in Newchwang, the ships of other powers protect Americans elsewhere.

Having therefore done all that we can to protect the ports, we have not failed to demand from the yamên protection for the interior. The amplest assurance has been given in a decree from the throne, as reported in my dispatch No. 505, dated September 7, 1884. I have no reason to doubt the good faith of the Chinese authorities in the enforcement of that decree. As was seen in Canton, as has been seen in nations claiming a higher civilization than China, it is not the authorities we have to fear. There may be an outbreak in Kuangsi, for which the yamên would be no more responsible than the Cabinet of Washington for a negro election fight in Texas or an Indian massacre in Montana.

The dangers of these outbreaks I do not mean to belittle. There is no point where the danger is more imminent or where the foreign population is more helpless than in Peking. There are, perhaps, a hundred foreigners resident here, including missionaries of the Protestant, Roman Catholic, and Greek churches, frozen in for the winter. We could not reach the seaboard in two weeks. There are two small gunboats at Tien-Tsin, German and Russian, but of no protection to us. We are absolutely at the mercy of the Chinese troops or even of Chinese mobs; and, although the question has not been regarded without concern as a practical fact, I have never heard any one question the sincerity of the authorities in their declaration to protect all foreign residents, even the French. I have not heard that any French have left Peking, except the members of the legation, and they are in Shanghai.

I have troubled you with what the Department may regard as unnecessary observations; but I am anxious that you should appreciate the importance attached by the legation to the gravity of the problem which comes again to us from Canton. There will be no difficulty in the foreign ministers asking from the yamên a loyal observance by the Canton officials of the decree from the throne, and a rebuke of the imperial commissioner for his incendiary publication. So long as war threatens there will be no want of care on the part of the naval vessels. Beyond this I do not see what can be done. A great deal will depend upon the tact, courtesy, and forbearance of foreigners themselves in dealing with the Chinese, and especially those engaged in missionary work. There may be annoyances, insults, disturbances, perhaps causes for anxiety.

The history of Christianity shows that those who follow the cross must sometimes bear the cross, especially in teaching and preaching the gospel. We shall do all that is possible for their protection, with the hope that nothing more than our good will towards that end will be required.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 631.]

Mr. Seymour to Mr. Young.

No. 95.]

DECEMBER 17, 1884.

SIR: I have the honor to hand you, herewith appended, the remonstrance of the American, English, and German Protestant missionaries at Canton against the use made of the memorial of Imperial Commissioner Páng Yü Lin (or Lun) and its mischievous nature and misrepresentations.

The American, English, and German consuls at Canton have been requested to transmit this remonstrance to the American, English, and German legations, respectively.

It may not be fully understood at Peking that since the arrival of Imperial Commissioner Páng in Canton, during the first week of December, 1883, he has lost no opportunity to create hostile feelings among the natives against the foreigners, and to incite the populace to acts of persecution against native converts to Christianity. His arrival was the occasion of great demonstrations against foreigners and missionaries and their native friends.

The first half of December, 1883, will be memorable in Canton for the earnestness with which the natives attempted to get rid of all foreigners and to harass native Christians.

In my No. 44, under date of December 8, 1883, I gave you particulars of that event, and the lists of correspondence for December, 1883, transmitted with my No. 48, bears record of lively work in guarding the interests of foreign residents and missions and native converts from hostile mobs in city and country, as it was generally understood by the populace that the imperial commissioner, acting under orders of the Imperial Government, had come to Canton to reverse the policy pursued by the two viceroys, Tseng (in August, 1883), and Chang Shu Shing (in September, 1883), as to protection of foreigners and foreign interests from native mobs. Again, in August, 1884, and the following months Commissioner Páng twice aroused the populace to hostile demonstrations against foreign residents and native Christians by proclamations that were unreasonable. In both of these cases he involved three other high officials by having their names and seals affixed to those mischievous documents, one of which enjoined upon all Chinese along the coast and as far south as Singapore to kill the French by poisoning their food.

The memorial of Commissioner Páng to the throne a few months ago, in favor of compelling native Christians to be so designated by registration and peculiarity of apparel and other marks for identification, as to be continual objects of ridicule, derision, and contempt, manifested his evil purpose.

During the past month about fifteen thousand students have been in Canton attending the examinations and exercises for literary honors; and taking advantage of the presence of this large body of students, some person or persons caused many thousands of copies of "the Páng memorial," &c., to be sold upon the streets of Canton. It was posted in the yamên, and widely circulated, apparently, if not evidently, with the full knowledge and concurrence of the authorities, including the imperial commissioner, whose overshadowing influence is felt by all subject to his control, or liable to incur his displeasure, or seeking his favor.

So unfavorably have the imperial commissioner's efforts to keep alive bad feelings among the natives against foreigners and native Christians been felt by these missionaries whose remonstrance now goes to you, that they desire you, in conjunction with the English and German legation, if possible, to lay their grievances before the Tsung-li Yamên, and try to have Commissioner Páng admonished to refrain from a continuance of the evil course he has pursued for a year past in Canton, which is clearly contrary to the spirit and letter of treaty stipulations, and tends to alienate natives and foreigners who might otherwise enjoy peace, security, tranquillity, and mutual respect.

I am, &c.,

CHARLES SEYMOUR,
United States Consul.

[Inclosure 2 in No. 631.—Translation.]

In the matter of distinguishing native converts from non-Christians.

Since foreigners have been permitted under the treaties to propagate the Christian religion in China, the effect upon the people's hearts has been bad, for the reason that loafers or men of no occupation, greedy of a little gain, are enticed to become converts. Bad characters and pettifoggers join the Christian churches and thus escape the laws of their country, as the local officers are unable to get at them and investigate (their crimes). This has had the effect of stirring up trouble, and hence the many

cases of burning of chapels and Christian places of worship. It is now impossible to prevent natives from joining the Christian societies, but the memorialist requests that while natives are openly permitted to become Christians, yet at the same time a plan can be enforced to secretly prohibit them. It is that—

(1) Converts are to be registered separately.

(2) The officials of the chows and hsiens are to give each convert a small tablet with the character “Chiad Min” written on it, to be nailed over the doors of their houses.

(3) All converts are to wear a distinctive dress, and should wear short coats, not long ones. This will move them to shame, and thus break off the means of obtaining converts. In the event of there being any apprehension as to the missionaries objecting to the above plan, they can be told that since they exhort and encourage natives to join their religion, those who become converts it is right that they should be known and be different from the masses.

That for a man to embrace Christianity and not be willing to acknowledge the fact is the same as saying that he is ashamed of being a convert, and the foreign missionaries would not consent to any convert saying that he felt ashamed of the religion he espoused. Further, if converts are not distinguished from non-Christians, then the local officers will have no way of giving protection to them. Therefore to require that native Christians should be specially registered would be a secret way of ridiculing them; to give them tablets to be hung over the doors of their houses would manifestly make known their religious profession, and the wearing of a different dress would clearly show that they were converts.

For instance, for a Chinaman in the presence of missionaries or in the chapels to admit his conversion, but in the presence of outsiders to disclaim it, would manifestly show that he was ashamed of his religious profession. How could the missionaries have any regard or esteem for such a one professing Christianity? The missionaries would not be able to reason against such an argument.

By the adoption of the above plan the converts would not dare to act as they please and insult people, and on the other hand the natives would not dare to lightly and without thought become converts (lit.: to make a trial of religion). The officials would then be enabled to ascertain the number of converts.

Your memorialist, Yu Lin, believes that the above plan will answer in all the provinces, and is of the opinion that it had best be put into execution first in the Yueh provinces; and he begs that instructions be sent to the viceroys and governors to order the officials of the chows and hsiens to have a large quantity of small tablets prepared, and to take action in accordance with the plan submitted. Thus the temper and general feeling of the people toward Christianity will surely lessen and die out.

The treaty of Tien-Tsin clearly provides that missionaries are not to interfere with Chinese cases, but there are many of the magistrates of the chows and hsiens who are afraid of trouble, and for that reason they quietly give way and settle the cases which arise according to their own views, and do not exert themselves to the proper discharge of their duties.

F. D. CHESHIRE.

[Inclosure 3 in No. 631.]

Address of Committee of Protestant Missionaries in Canton.

Whereas a paper posted in the yamên and widely circulated in the streets of Canton purporting to be a memorial to the throne from the Imperial High Commissioner Páng Yü Lin, contains serious charges against Christian missionaries and churches, it was resolved at a conference of the Protestant missionaries of Canton that a committee of one from each nationality represented, English, American, and German, be appointed to place on record our protest against these charges, and to present the same to our respective consuls with the request that they forward it to Peking to be presented to the Tsang-li Yamên.

In the name of, and in behalf of the conference, we wish to call attention to the following points:

(1) In the aforesaid memorial it is averred that “since the treaties have permitted foreigners from the West to spread their doctrines the morals of the people have been greatly injured.” Again, that “the churches have become refuges for men who seek to escape the demands of the law.” Again it is implied that “missionaries interfere with the due administration of justice in the courts and prisons.” In speaking of Christians the term *Kian min* is used, and embraces both Roman Catholic and Protestant Christians.

(2) As Protestant missionaries we wish most emphatically to deny that we have sought or do seek to establish any *imperium in imperio*, or claim any right of asylum in our churches, or seek in any way to secure for the Chinese Christians under our care

any exemption from the penalties justly due for any infringement of the civil law. All that we desire is that Christians should be treated with the same tolerance and favor that is extended to the followers of Mohammedanism, Buddhism, Tauism or Confucianism, and not be vilified and oppressed and spoken of as aliens and rebels,* but be regarded as loyal Chinese subjects.

(3) We do not knowingly retain any men of immoral character in connection with our churches.

(4) If the Chinese authorities wish to make such charges against the Roman Catholics, who claim the protection of France, with which country China is now in a state of war, we claim that in fairness some distinctive name should be used, and that missionaries from England, America, and Germany should not be included in the charge by the employment of a term understood as applying to Christians in general.

We would respectfully state that we feel it due to ourselves, as well as to the churches and the nationalities which we represent, that these matters should be placed in a clear light before the Chinese Government.

R. H. GRAVES,
F. ILBURG,
GRAINGER HARGREAVES,
Committee.

No. 105.

Mr. Young to Mr. Frelinghuysen.

No. 632.]

LEGATION OF THE UNITED STATES,
Peking, January 24, 1885. (Received March 16.)

SIR: In my dispatch No. 631, dated January 21, 1885, I had the honor to send you a communication from Mr. Consul Seymour in regard to affairs at Canton. Mr. Seymour forwarded a petition from the missionaries in Canton, addressed to the British, German, and American legations, in regard to a memorial written by high Chinese officials making invidious suggestions as to converts to Christianity. The matter was discussed at length with Sir Harry Parkes and Mr. Von Brandt. The papers submitted at our conference by Sir Harry Parkes were more explicit than those sent to the legation by Mr. Seymour. Two of these papers I inclose. It seems that Her Britannic Majesty's consul on the 21st of November called the attention of the viceroy to the tenor of the proclamation. The reply of his excellency, in the opinion of Sir Harry Parkes, Mr. Von Brandt, and myself, seemed to be as satisfactory as we could expect from the Chinese authorities. The viceroy disavows the published memorial as inaccurate, and informs Her Britannic Majesty's consul that he has suppressed the publication and destroyed the blocks.

After mature deliberation it was thought best not to send the yamên a formal note, but to make the subject one of informal conversation with the ministers when we next had occasion to see them on business. While it is not well to allow declarations in violation of treaty, such as are contained in the memorial to which I refer, to pass without notice, the fact that the governor-general of Canton had, in his letter to Her Britannic Majesty's consul, anticipated any action we could have de-

* That this is done by the Chinese authorities we have frequent proof. *E. g.*, the following from a proclamation by the provincial judge, dated 21st of seventh month of the present year:

"As to the ignorant people who are followers of Christianity, they are also our subjects. If they return and repent they will be permitted to purge themselves.

"As to how they will be treated, the mandarins will hold the balance (justly)."
[Eight Chinese signatures.]

manded deprives the incident of the importance attached to it in my dispatch No. 631, dated January 21, 1885. I trust that the conclusion reached by my colleagues and myself will meet with the approval of the Department.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in 632.]

Her Britannic Majesty's Acting Consul Hance to Governor-General Chang.

NOVEMBER 21, 1884.

YOUR EXCELLENCY: I have the honor to inform you that I recently bought a pamphlet (which was being sold in the streets) containing the draft of a memorial written by you, the governor-general, the Junior Guardian P'eng and Governor Ni, and that on opening it I found that it contained a paragraph relating to Christian converts. I do not know whether this draft is genuine or not, but if in the midst of the people [such a work] is printed and sold both within and without the city, ignorant people seeing it will regard converts to the Christian religion with feelings of hatred. If [the people] reflect that [the teaching] originates with foreigners the evil [feelings] will be turned on the foreign officials, merchants, and others who reside in the province, and thus disturbances of the peace can easily take place.

Now that the licentiate examinations are taking place the provincial capital is necessarily full of people, and I fear that disturbances could be easily caused. I, the acting consul, being desirous that Chinese and foreigners should live in peace together, am of opinion that precautions should be taken, and therefore have the honor to request you, the governor-general, to direct your subordinates to prevent the draft of this memorial being sold in every place; thus preserving peace between Chinese and foreigners.

I inclose a copy of the pamphlet for your inspection.

I have, &c.,

[Inclosure 2 in 632.]

Governor-General Chang to Her Britannic Majesty's Acting Consul Hance.

DECEMBER 5, 1884.

SIR: I have the honor to acknowledge receipt of dispatch from you, dated the 21st ultimo.

I have to observe that the printing of the memorial was in the 5th moon, when my predecessor, his excellency Chang, was in office, and is not a matter which has occurred during my government. In [the pamphlet] the phraseology is incorrect, and there are many places where it does not agree with the original draft. It is a characteristic of the Canton people to love novelty and dislike what is antiquated. When they happen to see or hear anything in the market-place, they will arrange and concoct circumstances and compose an article on it, which they print and sell with a view to making a profit. Hitherto, as nothing of importance was touched on, the local authorities took no means of prevention; but the printing of these two pamphlets and their wanton falsification is most blameworthy. Orders have been given to the prefect and magistrates to take vigorous measures for their suppression, and to find and destroy the blocks from which they were printed. Friendly relations have existed for many years between our respective countries, and the intercourse of the [two] states is constant and stable. The people and the converts, however, cannot get on together, and are eternally in quarrel and litigation, whereby disorder is bred. Preaching the gospel was long since allowed by treaty, and can by no means be now disallowed. Now, missionaries from western lands of course keep strictly to the rules of their doctrine, and do not interfere in matters outside it; but many unprincipled people in the interior, not believing in the doctrine from the bottom of their hearts, become converts in name only, and, relying [on Christianity] as on a charm to protect them, create trouble to the detriment of order in the villages. Thus do they injure the reputation of the chapels and give birth to suspicion and dislike between Chinese and foreigners. This class of persons does double harm [*i. e.*,

to the chapels and to the people], and should undoubtedly be sought out and preventive regulations made, so as to avoid a further continuous series of troubles, and re-establish the former state of tranquillity. This year the Chinese and foreign ministers have been holding a discussion, with a view to devise a plan of united action, so that internal affairs may be tranquil and foreign relations friendly.

There is not the slightest desire to incite the hatred of the Chinese against converts, or to injure the interests of the officials and merchants of other nations. The examinations are now over, and the country is quiet, as formerly. You may, therefore, cast away all suspicion and doubt.

I have, &c.,

No. 106.

Mr. Young to Mr. Frelinghuysen.

No. 650.]

LEGATION OF THE UNITED STATES,
Peking, February 14, 1885. (Received April 13.)

SIR: I inclose for your information a correspondence with Mr. Consul Wingate at Foo-Chow.

It appears that an American firm asks the good offices of the consul to introduce giant-powder and other explosives to the attention of the Chinese Government. I have said to the consul that any influence he can use to advance an American interest would be a performance of duty. I, however, thought it my duty to say that, considering the friendly relations between France and the United States, the legation could not approve of a consul using his influence to supply the Chinese with articles of war to be used against the French.

I trust that this action will meet with your approval.

I am, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 650.]

No. 115.]

Mr. Wingate to Mr. Young.

JANUARY 26, 1885.

SIR: I do not usually enter communications like the No. 327 received in my letter-book. Such letters and business circulars are usually treated as unofficial. If I can give any real information to the sender I answer them, but most received are evidently so ill adapted to the demand of this people that I think I am right in concluding that they are merely sent to the consulate because the sender finds the name of the place in the consular directory, and not as expecting an acknowledgment.

In a case like the one under consideration I should, if a proper opportunity offered, speak to an official regarding a manufacture by citizens of the United States, but I could not with propriety go further.

* * * * *

I am, &c.,

J. C. A. WINGATE.

[Inclosure 2 in No. 650.]

The Giant Powder Company to Mr. Wingate.

SAN FRANCISCO, October 4, 1884.

SIR: Owing to the present outlook for war between China and France, we desire to call your attention to and solicit your aid and advice with regard to placing before the notice of the Chinese Government our explosives.

The Giant Powder Company's patents were acquired from the original inventor, Mr. Alfred Noble, both for dynamite powders and his later discovery, the "explosive gelatine," the strongest of all known explosives.

The name "giant powder" was used for our dynamite powders as being more simple and more acceptable than "dynamite."

As the Giant Powder Company are to-day the largest manufacturers of high explosives in the United States and perhaps the world, having extensive works both in California and the East, and being fully prepared to furnish dynamite in any quantities upon the shortest notice and at prices which defy competition, we desire to enter every field where dynamite is or may be used.

We address you as being in the position to forward our interests, and trust you may be able to place with that Government a quantity of our explosives.

We send you herewith circulars descriptive of the new "explosive gelatine," and will say that this powder deserves attention, particularly for torpedoes and similar purposes.

We are, &c.,

BENDMAN, NIELSON & CO.,
General Agents.

[Inclosure 3 in No. 650.]

No. 100.]

Mr. Young to Mr. Wingate.

FEBRUARY 14, 1885.

Sir: As a further reference to your dispatch, No. 115, I have the honor to note your comments in regard to the letter you inclose from a San Francisco firm, offering to sell the Chinese explosive materials. Your action seems to have been judicious. The proper custom in all such cases, the one which the legation follows, is to send the application to some mercantile firm and allow the business to take its course. If it should be in the power of a consul to advance an American interest by speaking to the Chinese authorities in commendation of the interest or in explanation of its merits, or giving an assurance of its integrity, there is no reason why this should not be done, taking due care to show that your action is official, not personal. At the present time, however, I should refrain from commending to the Chinese any manufacture, like powder or fire-arms or any other agency which could be used for a warlike purpose against France. Our relations with France are friendly, and I wish nothing done by any consular officer, even in an informal manner, that might be regarded as a violation of the strictest neutrality.

I am, &c.,

JOHN RUSSELL YOUNG.

No. 107.

Mr. Young to Mr. Frelinghuysen.

No. 658.]

LEGATION OF THE UNITED STATES,
Peking, February 23, 1885. (Received April 27.)

SIR: A question has arisen in Canton as to the right of a son of an American citizen born in China of a Chinese mother to claim American citizenship. I have instructed the consul that under section 1993 of the Revised Statutes he must recognize this right, unless it can be shown that the claimant has sought naturalization from another power.

These questions are awkward, as in most cases the claims are made by people whom it is not desirable to have under our protection; at the same time the law seems clear and I do not see how it can be avoided.

I am, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 658.]

Mr. Seymour to Mr. Young.

No. 101.]

CONSULATE OF THE UNITED STATES,
Canton, January 24, 1885.

SIR: I have the honor to present a case, involving the question of citizenship, in respect to which it is desirable to have clear and definite instructions.

An American citizen, native of the United States of America, named Frederick Pearson, lived many years in China, and did business at and around Shanghai, where he died 14th June, 1868, leaving children by a Chinese woman, to whom he was married by Rev. Father Desagque, as per the records of the Roman Catholic Church.

A son of Frederick Pearson, born at Shanghai, August 26, 1854, named John Frederick Pearson, was baptized by the same priest and now lives in Canton. The question as to whether this son was or was not born in wedlock is not satisfactorily settled, but if the decision as to American citizenship hinges upon that point, care will be observed in arriving at the facts as to whether the marriage of the parents occurred previous or subsequent to the birth of the son; whose appearance favors the impression that his age is correctly stated at about thirty years. This young man, who wears the garb, cue, and outfit of a native of China, with the name of "Whey Ting," seems thoroughly determined to maintain all the peculiarities and characteristics of a Chinese subject; but at the same time (evidently to have recourse to consular aid and influence in pushing his schemes when resisted by Chinamen), seems desirous of having registration at American consulates where he may require assistance.

This man "Whey Ting" asked for registration at this consulate, as the son of an American citizen, during the past week, for the declared and obvious purpose of assisting him to evict occupants of a building and premises to which he claims title, and to obtain possession of the property, for which the occupants refuse to pay rent. The value of the property is stated at about \$1,300 and cost \$800. The rent agreed upon many years ago was 10 taels, equivalent to about \$15 per month—50 taels paid in advance.

From examination of his title-papers there is no evidence of his ownership, as the deed runs in favor of one "Chang Ho See," whom "Whey Ting" claims as his wife's aunt, she having supplied a portion of the purchase-money; and he being her heir, as he alleges, without substantiating his statements. Consequently I declined to take up his case as the claim of an American citizen, in the absence of any evidence that he was born in wedlock, or that he is the owner of the property to which through the aid of this consulate he desires to obtain possession.

Furthermore, while invoking consular assistance of this nature, he objected to a full and frank statement of his parentage to the Chinese authorities, evidently to avoid incurring the risk of subjecting himself to the restraints or restrictions to which foreigners or citizens of the United States are subject in China.

In order to more fully understand the peculiarities of this case, it should be known that the father, Frederick Pearson, who was well known in business circles in China, sent this son, John Frederick Pearson, *alias* "Whey Ting," when young to the United States of America for an English education, and, beside four years of schooling and residence in Massachusetts, the son was two years in England previous to A. D. 1878, the year in which he claims to have acquired an interest in the property mentioned. He speaks and writes the English language as accurately as any educated Englishman or American. Both in respect to pronunciation and grammar, as well as to orthography in the use of the English language, his precision is faultless.

By further reference to his written statement it appears the name of his relative who supplied \$300 of the purchase-money for the property in 1878 is "Seng Woo Ting," which does not agree with the name given in the deed; but "Whey Ting" (*alias* Pearson) claims he paid \$500 of the \$800 purchase-money; and that no rent has been paid since the first payment of 50 taels already mentioned. So there is nothing clear about the title to the property being vested in the claimant, respecting whom the American firm of Messrs. Russell & Co. have from their knowledge of him advised caution. Apart from the property title deeds, the question of registration as an American citizen should be settled. And this brings us to the consideration of section 1993 of the Revised Statutes of the United States and its application to "Whey Ting" (*alias* Pearson), who may, perhaps, like other Chinamen, have a variety of names. This section declares—

"All children heretofore born or hereafter born out of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States."

Under this section "Whey Ting" (*alias* Pearson) claims registration and the aid of the United States consulate as to his property. I respectfully submit that the language

of that section (1993) is too full or loose to admit of proper restrictions, such as may be necessary in cases similar to the one under consideration, and especially in regard to children of American fathers born out of wedlock, or previous to the marriage of the parents; and also in regard to children who practically ignore all obligations that rest upon native or naturalized citizens of the United States and become thoroughly identified with the life, habits, customs, laws, and requirements and privileges of the subjects of China and other countries of Asia with entire abandonment of every characteristic of an American citizen.

In my investigation of facts touching the case of "Whey Ting" (*alias* Pearson), it appeared that during a portion of his absence from China, since 1878, until his recent return here, he has resided at Bangkok, Siam, at which place, on December 19, 1879, David B. Sickels, United States consul, gave him provisional protection; and that in dispatch No. 135, dated January 3, 1880, Consul Sickels reported his action in the case to the Department of State; and that in dispatch No. 66, under date of March 24, 1880, Hon. Charles Pasoen, then Third Assistant Secretary of State, approved of Consul Sickels's action; the precise particulars of which are not disclosed, except verbally, through "Whey Ting" (*alias* Pearson).

Respectfully submitting the entire question of citizenship of "Whey Ting" (*alias* John Frederick Pearson) to your consideration by the light of all the facts within my reach, and hoping it may lead to a clear understanding of the rights of all persons similarly concerned,

I am, &c.,

CHARLES SEYMOUR,
United States Consul.

[Inclosure 2 in No. 658.]

Mr. Young to Mr. Seymour.

LEGATION OF THE UNITED STATES,
February 23, 1885.

SIR: As a further reference to your dispatch No. 101, dated January 24, 1885, I have the honor to say that the question you there present has received careful consideration. The statute you quote is clear as to the intent of the law, namely: That the children of American citizens born abroad share the nationality of their father, unless they accept naturalization from another power. The right is inherent, and so long as the holder maintains it we cannot take it from him. To do so would be virtual outlawry. The case as you present it, in my opinion, rests largely upon evidence; and that of course you are in a position to obtain. If it should appear (1) that Pearson's father was an American, who had not renounced his nationality; (2) that Pearson himself had not accepted naturalization from another power, I do not see how we can deprive him of his citizenship.

A question of the same kind has arisen at Amoy. The consul at Amoy reported to the legation that a resident at that port was the son of a negro who had been born in Maine. The resident had never been in the United States, but was a native of Singapore, if I remember. He had been registered in 1861, had been tried for an infraction of our laws by an American consul and American assessors, found guilty, and imprisoned for a year. The consul at Amoy held, however, that as the Dred Scott decision before the war had deprived negroes of their rights as citizens, and as the person in question had not been in the United States since the war, had, in fact, never been there, he rested under the ban of that decree. I found it impossible to accept this view of the law, and the same difficulty was shared by the Department, which approved my action. In that case, as in yours, the question is a matter of evidence. The consul at Amoy may be able to ascertain that the claim of American parentage is unfounded, and that when he told the legation that the father was born in Maine he was not correctly informed. I think he is giving a good deal of time to the inquiry, but with what result remains to be seen.

If the consul at Amoy had given his attention to the evidence instead of confirming the Dred Scott decision his case might now have been determined. My advice in Pearson's case would be to look well into the evidence. I am not anxious to have every adventurer who wishes to use the consulate for purposes of gain or revenge a citizen of the United States. I should, when any such claim is advanced, take the utmost pains to ascertain the facts. I should throw upon the applicant the burden of satisfying every doubt that might arise in your mind as to the validity of his claim. All doubt removed, the law leaves you no option.

In the case at Amoy the consul held, and holds, that the bad character of the claimant

made it undesirable that he should be a citizen. I should assent to that as a moral precept, but, unfortunately, character is not an issue.

As to the question you suggest, namely, how far the fact of a child being born out of wedlock may affect his nationality, I speak somewhat with reserve. But my opinion is that the misfortune of an illegitimate birth cannot deprive a man of his nationality. It may interfere with rights of property and inheritance, but citizenship remains with him. He is a part of society. The laws are made for the protection of society. He must submit to them, and submission involves protection.

As I have said, the question in Pearson's case is one of evidence. The law is clear. If after due examination you find the facts to be as you present them, in my judgment I do not see how, under section 1993 of the Revised Statutes, you can refuse to regard Pearson as an American citizen.

I am, &c.,

JOHN RUSSELL YOUNG.

No. 108.

Mr. Bayard to Mr. Young.

No. 407.]

DEPARTMENT OF STATE,
Washington, March 11, 1885.

SIR: A telegram concerning the service of citizens of the United States as pilots on French vessels of war in Chinese waters was received from you on the 9th instant in the following words:

Chinese object American pilots French men-of-war. Shall I forbid such service?
YOUNG.

To this the following reply was sent March 10:

Although well disposed, we cannot forbid our citizens serving under private contract at their own risk. Not prohibited by statutes or cognizable by consuls.

The obligation of a neutral Government to prevent its citizens from joining in hostile movements against a foreign state is limited by the extent to which such citizens are under its jurisdiction and by the municipal laws applicable to their actions. Hence, a citizen outside of such jurisdiction may not be controlled in his free acts, but what he does is at his own risk and peril. If he offer his services to a combatant, that is a matter of private contract which it may be equally improper for his own Government to forbid or protect, and such service in legitimate war is not contrary to international law.

In China, however, foreign powers have an extraterritorial jurisdiction, conferred by treaty. This jurisdiction is in no wise arbitrary, but is limited by laws, and is not preventive, but punitive. If a citizen of the United States in China commit an offense against the peace of China, it is triable in the consular courts. Section 4102 of the Revised Statutes provides that "insurrection or rebellion against the Government of either of those countries [*i. e.*, the countries named in section 4083, whereof China is one] with intent to subvert the same, and murder, shall be capital offenses, punishable with death," &c., the consular court and the minister to concur in awarding the penalty. But the simple act of entering into a private contract to serve either combatant in open warfare would not appear to be triable under this section; and even if it were, this Government would have no rightful power to forbid such service.

It is, of course, understood that this reasoning does not apply to persons in the employ of the Government of the United States. For such persons, while so employed, to perform hostile service for either

party would be a breach alike of discipline and neutral good faith, which the rules of the service would be competent to prevent.

In the interest of good will between nations, it is desirable that citizens of the United States should not take part with either belligerent, or, if they do so, that it should be distinctly known that they thereby act beyond all effective responsibility of their own Government. Your discretion will doubtless show you how far it may be opportune to go in the direction of dissuading any citizen of the United States from taking sides in the present contest, but whatever you may do should be marked with the most obvious impartiality.

I am, &c.,

T. F. BAYARD.

No. 109.

Mr. Young to Mr. Bayard.

No. 673.]

LEGATION OF THE UNITED STATES,
Peking, March 13, 1885. (Received April 27.)

SIR: I have the honor to inclose a copy of a notification issued by M. Patenôtre, the French minister, to the effect that the Government of France will, from the 26th of February, regard the transport of rice as an act contraband of war.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure in No. 673.—Translation.]

Letter of Mr. Patenôtre to the foreign representatives at Shanghai.

RICE TO BE CONSIDERED CONTRABAND OF WAR.

The Government of the Republic informs me that all the powers have been officially informed that from the 26th of this month rice will be considered and treated as contraband of war. Cargoes of rice will be liable to seizure on the same ground as arms and ammunition.

Admiral Courbet has consequently been requested to adopt measures for exercising the right of search on vessels leaving Shanghai. It remains understood that with the exception of the above-mentioned article all merchandise can be freely carried.

Persisting in its desire to spare as far as possible neutral commerce, the Government of the Republic authorizes me to add that it renews, as far as Shanghai and Woosung are concerned, the assurances already given by M. Lemaire in the letter which he addressed the 26th August of last year to the doyen of the consular body. No attack will therefore be made against these two ports as long as the *statu quo* is not altered on the part of China.

This declaration will have, I hope, the effect of dissipating any alarm which the possible presence of French vessels in the neighborhood of the Yantze might occasion to the population of Shanghai. The ships cruising in those parts will have no other mission than to oppose the carrying of contraband of war.

Pray accept, &c.,

PATENÔTRE.

SHANGHAI, February 23, 1885.

No. 110.

Mr. Bayard to Mr. Young.

No. 418.]

DEPARTMENT OF STATE,
Washington, March 20, 1885.

SIR: I have received your Nos. 631 and 632, of January 20 and 24 last, in regard to the protection of foreigners in Canton and the memorial of the high commissioner there respecting Christians.

Your dispatches have been read with attentive care, and the conclusions reached in your No. 632 merit the Department's approval. The incident seems to have passed beyond the need of any formal representation to the yamên.

I am, &c.,

T. F. BAYARD.

No. 111.

Mr. Young to Mr. Bayard.

No. 687.]

LEGATION OF THE UNITED STATES,
Peking, March 24, 1885. (Received May 13.)

SIR: I have the honor to forward herewith for your information a copy and translation of a notification issued by the consul-general of France at Shanghai enumerating the articles held by the French as contraband of war.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure in No. 687.—Translation.]

Notification.

In reply to questions recently put to the consul-general of France by several residents of Shanghai, the undersigned has the honor to remind the public that—

Besides rice, which has already been the object of a special declaration, the following articles are considered contraband of war:

Cannon and fire-arms, side-arms, projectiles, lead, powder, and other explosive substances, saltpeter, sulphur, articles for military equipment, camping and harness, all instruments and articles whatever manufactured for warlike purposes.

This list may be extended hereafter, if circumstances require it, the prize court remaining judge.

The consul in charge of the consulate-general:

V. COLLIN DE PLANCY.

SHANGHAI, *March 15, 1885.*

No. 112.

Mr. Young to Mr. Bayard.

No. 693.]

LEGATION OF THE UNITED STATES,
Peking, March 29, 1885. (Received May 13.)

SIR: I have the honor to transmit for the information of the Department a correspondence between the legation and the Rev. Dr. Blodget, the chairman of the China Branch of the Evangelical Alliance.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 693.]

Mr. Blodget to Mr. Young.

THE ANTI-CHRISTIAN RIOTS IN THE PROVINCE OF CANTON IN SEPTEMBER, 1884.

PEKING, *March* 14, 1885.

DEAR SIR: The propagation of a new religion in any nation must of necessity be attended by some difficulties and misunderstanding between the adherents of the old religion and those of the new. It was so with Buddhism, which entered China from a foreign country in the Hem dynasty, and was frequently and severely persecuted till in the Sung dynasty China accepted the principle of religious toleration and ceased to persecute the Buddhists.

In the year 1858, during the reign of the Emperor Wen Tsung, of the present dynasty, treaties were made with the western nations.

The high ministers appointed to negotiate the treaties with the representatives of foreign powers were desirous of preventing divisions, disturbances of the peace, and grievances in connection with the spread of Christianity, and it was mutually agreed that articles providing for the protection of native Christians in the practice of their religion should be inserted in the treaties.

In the treaty with Great Britain the eighth article says: The Christian religion as professed by the Protestants or* Roman Catholics inculcated the practice of virtue and teaches man to do as he would be done by. Persons teaching it or professing it, therefore, shall alike be entitled to the protection of the Chinese authorities; nor shall any such, peaceably pursuing their calling, and not offending against the laws, be persecuted or interfered with.

The treaty with Russia says, the Chinese Government having recognized the fact that the Christian doctrine promoted the establishment of order and peace among men, promises not to persecute its Christian subjects for the exercise of the duties of their religion; they shall enjoy the protection of all those who profess other creeds tolerated in the Empire. The Chinese Government, considering the Christian missionaries as worthy men who do not seek wordly gain, will permit them to propagate Christianity amongst its subjects, and will not hinder them from moving about in the interior of the Empire.

In the treaties made with the United States, France, Germany, Denmark, Holland, Spain, Belgium, and Italy, there is in each case an article for the toleration of the Christian faith.

Then in the year 1860 an imperial edict was issued enjoining on the local magistrates "in every case affecting Christians (the reference here is to Roman Catholics) to investigate thoroughly and decide justly. So long as the Christians obeyed the laws of China they were to be regarded as China's children, and to be treated in the same way as if they were not Christians."

Subsequently it was found that this edict, though repeatedly communicated to the governors and viceroys of the Empire, did not prevent disharmony from arising in several of the provinces. The cause of this was found by inquiry to be that the Christians were unwilling to contribute money for the building and repairs of temples, for the expenses of idol processions, plays, incense burning, and the like. Prince Kung, chief minister for foreign affairs, at that time acting with his full powers, early in 1862 issued an explanatory note and order on this matter.

The Emperor, this order said, looks with equal grace on those who are Christians and those who are not Christians, and loves all as his children. The Christian religion teaches the practice of virtue, and in its great principles agrees with Confucianism, Buddhism, and Tauism. It was, therefore, allowed to be propagated in the reign of Kang-hi. The note further says that Christians, while they are to pay taxes and rates of a public nature, as if they were not Christians, are not to be compelled to pay a share toward the expenses of building and repairs of temples of idol processions, plays, and the like. In cases where taxes and rates of a public nature are united with charges of the other kinds mentioned, the local magistrate is ordered to make a just division of the two kinds, civil and religious, and not allow them to remain confused to the disadvantage of the Christians.

For instance, if four-tenths be for public objects and six-tenths for maintaining temples and the like, the magistrate must distinctly point out that the Christians are only liable for the four-tenths, and are not to be compelled to pay the remaining six-tenths.

If the Christians are, on account of not contributing to expenses for repairing temples, processions, &c., beaten, insulted, robbed, or have their crops destroyed by any of

*In the Chinese text it reads "and Roman Catholics." The word is "Ki." "And" is better than "or," but we do not alter the English text.

the people who are not Christians, it is made the duty of the magistrates to inquire into the matter, punish the guilty parties according to law, and oblige them to make full restitution for losses sustained.

Further, if missionaries present petitions to the magistrates for the redress of wrongs, it is the duty of the magistrates to give fair consideration to the subjects presented to them, and to decide justly.

In the year 1881, at the instance of the Hon. J. B. Angell, then minister for the United States, all the privileges secured to Roman Catholic converts by this document were then, by a similar order issued by the Yamên for foreign affairs, also secured to Protestant converts. This order was addressed to the high officers in all the provinces in the 5th month of the 7th year of Kang-hi. By it the law was made the same for Roman Catholics and Protestants throughout the Empire.

Imperial edicts which have subsequently appeared affecting the relations of the native Christians to the general population have maintained the same just principles, and many excellent proclamations have been issued by viceroys, governors, and other officers in accordance with the spirit of the imperial edicts. Seditious persons have been strictly prohibited from destroying the teaching halls of the Christians; and as regards the Christian teachers and their converts it has been plainly stated, as for instance by the present viceroy of Canton in his proclamation of the 23rd day of the 7th month of last year, that the conditions of the treaties must be adhered to, the same protection extended to all, and all molestation and violence forbidden.

Unhappily the former tranquillity was changed last summer into anxiety and disturbance on account of the deplorable events which occurred at Foochow and Formosa. The people in many parts of Canton province rose against the native Christians and destroyed or robbed a large number of chapels.* Eighteen of these were Protestant, and among them ten were American, seven English, and one German. How many Roman Catholic chapels were attacked we have not yet heard. If we knew we would mention here the number of these also. Our desire is to see equal justice done to all the persecuted Christians whether attached to the French missions or to the American, English, or German missions. Not only were the chapels attacked, but the private dwellings and shops of the Christians were mobbed and their contents destroyed or stolen. In many places the local magistrates did nothing to check these things. No arrests of rioters were made. No stolen property was destroyed.

In some places, however, in consequence of the importunity of the Christians for help, impotent proclamations were posted. At Shin-hing, after one chapel had been destroyed, the district magistrate sent a guard to protect another, and put out a good proclamation. At Paklo the district magistrate behaved honorably. After the riot he arrested and punished some of the leading rioters, restored some of the stolen property, and offered some indemnity for the chapel destroyed. At Fatshan the authorities afforded Dr. Benyon protection, but said they dared not arrest the rioters. They have since promised to rebuild one of the chapels demolished. On the other hand, the Tsing-lun magistrate put out a proclamation stating that the American chapel belonged to the French, and sat by in his chair while the rioting was going on, making no effort to check it as long as the houses of the non-Christian inhabitants were not interfered with. The only help he afforded the Christians was to send some of them away in a boat after their houses had been destroyed, their property stolen, and they themselves, even old men and women, beaten and stripped of their clothes. In the city of Canton itself the magistrates protected the cathedral and chapels by special proclamations. A guard of soldiers occupied the grounds of the Roman Catholic cathedral. When a mob of about a thousand persons collected to destroy it, the officers very promptly suppressed the outbreak, and order was restored.

The immediate cause of the simultaneous attack on so many chapels and communities of defenseless Christians in various parts of the Canton province was the issue by the high authorities in Canton of the proclamation of August 30, offering rewards for the heads of French officers, soldiers, and sailors. The rewards ranged from \$5,000 to \$20. At the close of this document there was an injunction not to touch the persons of any other foreigners or the property of foreigners at peace with China. The turbulent populace only saw the first part of this proclamation. They at least paid no attention to the end of it. Wild excitement prevailed in and out of the city. On Monday, as soon as the proclamation was posted at Fatshan, mobs gathered and pulled nearly to the ground the Wesleyan chapel. They then attacked the London mission chapel, and left nothing but the walls standing. Soon after the news came to Canton that the Presbyterian chapel at Sheklung had been destroyed, and the houses of the native Christians looted. Besides this twenty-three houses of Roman Catholic natives were burned down. At Chingyneu, on the North River, the district magistrate impressed a boat and sent in it to Canton fourteen refugees of the American Baptist mission, not being able to protect them from the fury of the mob. The native pastor was threatened

*Chinese Recorder, December, 1884.

with death, the roof of his house torn down, and all his effects stolen. Other native Christians lost everything, and the mob tore off the upper garments of the women, and pulled out their ear-rings. Similar scenes were witnessed in many other places, the fruit of the proclamation of August 30.

In the Peking Gazette there soon appeared an edict disapproving of this proclamation, and others were issued which had the effect of checking the persecution and restraining the rage of the people somewhat from the deplorable work of destruction. But the proverb says, "When once a word has been uttered four swift horses can not overtake it." In the first few days of September the acts of plunder, burning, wanton ruin, and personal cruelty committed in the province of Canton on chapels and native Christians were too many to be counted.

We desire to draw attention to disobedience to imperial edicts and disregard to their country's laws shown by those who committed these crimes. The native Christians who were molested and robbed, and who were deprived of their homes, were living peaceably, paying their taxes regularly, and acting as loyal subjects of the Emperor when thus attacked. They had done nothing to deserve this treatment. Criminality and desert of punishment were entirely on the side of those who maltreated them. The Emperor, to use the words of one of the decrees, "regards them with the same benevolence as he does his other subjects," and if the facts are made known to him he will not suffer these, his loyal subjects, to be injured with impunity. In an edict published last year in the Peking Gazette, after affairs with France had assumed a critical shape, the Emperor generously permitted the French missionaries and merchants to remain in China under the imperial protection so long as they acted in a lawful manner.

This clemency and liberality are in strong contrast to the spirit of those persons who would stir up an ignorant populace to burn and plunder the houses of Christians and destroy the teaching halls of the foreign missionaries. The viceroy of Canton, with great reason, pointed out in a proclamation that the patriotism of the people would be better shown in boldly fighting the French, should they come with an armed force, than in destroying churches and ill-treating defenseless converts.

Pecuniary compensation for the destroyed chapels would be in accordance with the order of 1862. The same may be said of compensation for the losses of the Christians. If also the liberal tone of the other documents that have emanated from the Chinese Government be considered, it is likely that the ministers would listen favorably to the suggestion that full restitution should be directed to be made in accordance with that order. May we not also ask that wherever there are foreigners residing or native Christians meeting for worship the local magistrates should be men who have mastered the contents of the edicts, treaties, and other documents which tell them how to act in case difficulties should occur?

Every instance of burning, assault, robbery, and destruction of crops and other property ought to be officially inquired into, and a fair decision respecting them made. The effect of this would be beneficial in the future in the better preservation of harmony and public order wherever the riots have occurred. We are aware that great difficulties may attend the attempt to obtain a satisfactory settlement in most cases where wrong had been done to the Christians. These difficulties are of two kinds. The severity of the criminal code makes it not easy to obtain conviction, and probably it is this that often leads the magistrate to try to settle the question by arbitration. The sympathy of the people is too often given to the wrongdoers, and not seldom magistrates who have charge of a case decide it unfairly in favor of the aggressors rather than of the injured.

In regard to the first of these it may be observed that the foreign office order of 1862 requires punishments to be inflicted according to the ordinary criminal code. That code states that when evil-disposed persons assemble, burn down houses, shops, granaries, or public offices, and steal what they contain, they are to be beheaded as robbers without distinction between principal and accessories. When defamatory placards of an anonymous nature are posted up with the intention to destroy the good reputation of any one, the punishment of the principal is strangling, and of the accessories banishment to a distance of 3,000 li.

There is no good reason why the Chinese criminal law should not be improved. The Han dynasty code was milder than that of the Chin dynasty which preceded it. The Ming code was more severe than that which now prevails. It was, for instance, not uncommon formerly for the members of a clan to which some great criminal belonged, as far as to three removes, to be all put to death as a part of his punishment. Such things are not done now. Hence it may be hoped that, as there is need of some more legislation in regard to anti-Christian riots that may in future take place, the Government may not be unwilling to soften the code. Anonymous placards and books slandering the Christians and the missionaries would be much better punished by pecuniary mulcts and deprivation of rank than by strangling. In all anti-Christian riots, such as took place in September of last year in many places, coming imme-

diately after the distressing events in the Min River and in Formosa, the wave of popular excitement has to be considered and allowance made for it. The provocation given excited a thirst for vengeance, and, if we proceed to take into the account the crass ignorance of many of the people, we think the full penalty of the law need not be exacted. A sufficient pecuniary mulct would perhaps meet all the cases. But there ought to be a new trial wherever the judgment had been notoriously unfair. Justice should be done in the conviction of all conspicuous offenders. In every instance where the magistrate, treating the matter as a quarrel between two parties of opponents which has gone beyond bounds, takes the position of official arbitrator and names a sum of money to be paid by the assailants, the amount should be in proportion to the losses inflicted.

In a recent instance the loss of the Christians is stated to have been about \$2,000. The magistrate acting as arbitrator offered them \$10, and then \$15.* Such a mockery of justice could only happen when the magistrate sympathized so entirely with the aggressors that he was disqualified from acting fairly. If a magistrate cannot be impartial in cases of this sort, he ought not to be a judge at all. There ought to be a new trial by a fair-minded officer, who could act in the spirit of the Emperor's edicts, and in accordance with the mode of procedure laid down in the yamên orders.

Another point deserved, as it appeared to us, careful consideration. In many of the riots the magistrate was paralyzed by fear and stood by as a helpless looker on, rendering no aid to the victims of blind fanaticism and greedy lust of plunder. The magistrate is in such cases without support from public sentiment, and does not dare to oppose the people. In English law all respectable persons may be appealed to by a justice of the peace or other officer to assist in quelling any popular tumult. To refuse to do this is a punishable act. In China a local magistrate may call on the gentry to assist him in case of difficulty. A riot, as such, is not mentioned in the Chinese criminal code, nor in the yamên order for 1862, for the better settlement of cases arising out of the persecutions of Christians by their neighbors. But these persecutions having assumed the character of riots of an uncontrollable and sudden nature, magistrates ought to be in the possession of all available aids to suppress them promptly. For the respectable inhabitants to refuse to help when appealed to, in the absence of a military force, ought to be made, we venture to suggest, a crime punishable by fines. In the directions given by authority for the guidance of local magistrates, it seems to us that it ought to be made the duty of the officiating magistrate to appeal to the local gentry for aid, for without this it is probably impossible in many neighborhoods in the southeastern provinces for the local magistrate to meet the emergency caused by these sudden tumults, with sufficient promptitude and energy.

Paternal treatment of the Christians by the Central Government will increase their loyal feeling. Their religion makes faithfulness to the Government a duty. The Christian books teach it, and the missionaries constantly inculcate it. Thus the people will be linked to the dynasty by a double tie, that of duty and of a gratitude. In a time of disturbed feeling like the present, there is special need of vigilant care to maintain internal peace, and to make Christians and others recognize that the arm of the Government is strong to repress all injustice.

The decree permitting French missionaries, merchants, and others to remain in the country during the present troublous times inspires us with confidence in the fair and friendly disposition of the Government. We are therefore led to hope that in presenting this plea for suffering Christians we are asking what is not difficult of attainment. Further, we would add that the Imperial condemnation, so quickly uttered, of the ill-timed proclamation of August 30, proves the energy of the present administration, and their willingness to enter on a path of improvement. May we not hope for the final abandonment of the practice of offering rewards for human heads and of exposing heads in cages at no distant date? The one practice is dangerous to public safety; the other is injurious to public morality.

Our prayer to Almighty God is, that you may be aided by Him in your endeavors to promote the spread of justice and humanity in this country.

HENRY BLODGET,
President of the China Branch of the Evangelical Alliance.
 JOSEPH EDKINS,
 J. L. WHITING,
Secretaries.

* This took place at a town called Chuhwannia, 30 miles from Swatow. See *Woman's Work in China*, November, 1884.

[Inclosure 2 in No. 693.]

Mr. Young to Mr. Blodget.

PEKING, March 28, 1885.

To the Rev. H. Blodget, D. D., chairman, and the Rev. Dr. Edkins and the Rev. J. L. Whiting, secretaries, of the China Branch of the Evangelical Alliance:

GENTLEMEN: I have read with much care your letter, dated March 14, in regard to missionary affairs in China, and especially the anti-Christian riots in Canton in September, 1884. I note with interest your summary of the historical relations of China towards the cause in which you are engaged. Your presentation of the stipulations between China and the treaty powers had not escaped the attention of the legation in the course of the many discussions with the yamên and local officials upon missionary questions.

My experience in China had led to certain conclusions. I have discovered no antagonism toward missionaries on the part of the authorities in Peking. I have never had a question, none at least which I can now recall, which has not been adjusted after due and amicable discussion. What gives value to the statement is the further fact that during the time of which I can speak with personal knowledge the relations between China and the foreign powers have been upon a most unsatisfactory basis.

With one power war exists; with another power war is feared. From these and other causes it has been the experience of this legation, and I think of others, that the difficulties of transacting business have been unusually great. The exception is in questions arising out of missionary work. I note this fact as an important achievement in your peculiar relations with the Chinese people.

It was my duty last year to make an official tour of inspection of the consular ports. I was accompanied by Admiral Davis, commanding our naval forces. We were received by the officials with every honor and attention. In my conversations with the high authorities I took special pains to impress upon them the wisdom and the propriety, not alone of protecting our own people who were engaged in missionary labors, but more especially the native converts. I held that it would be a violation of the spirit and letter of the treaty, and a reflection upon China, if these converts were outlawed simply for professing the Gospel of Christ. China had not rejected other religious systems, Buddhism, Mohammedanism, Taoism, Confucianism. The Government did not see any reason why a Chinese subject in accepting these forms of faith should invite suspicion as to his fealty to the throne. There was certainly none in the gospel taught by those of my own faith.

In these representations I did not include those Chinese converts who had entered the Roman and Greek churches. I recognized and respected the fact that priests of these communions were endeavoring to teach a high form of morality and felt it my duty to give them in my conversations with the Chinese authorities, so far as advice would go, all the aid and protection in my power. As a part of a large and general experience, I am happy to say that in no instance did I find on the part of a Chinese official any disposition to antagonize these views. On the contrary, there was acquiescence, or, perhaps I might say, indifference.

The practical point was that I had the assurance from the officials that they would respect and protect those engaged in the missionary work; that they would discountenance every effort to ostracize or outlaw the native converts who had accepted the Christian faith. I do not know of an exception to this experience in the course of a most careful inquiry. I have heard of no hostility to the missions in Peking. The Psalms of David and the anthems of the Roman Church are sung under the walls of the imperial palace.

In Tien-Tsin and the provinces adjoining, the missions may virtually be said to be under the protection of the viceroy. The Canton viceroy promised me that he would issue a proclamation commending Christian converts to special protection. The same assurance was given by the viceroy at Wu Chang. The trouble, therefore, so far as I may venture an opinion, is not with the high authorities, but with local authorities, what are known as the "gentry" or the "literary class." This is a trouble which no legation can reach, unless it comes to us in a definite form of complaint of some injury done or injustice suffered, for which we can ask redress from the yamên. Under these circumstances, this legation has never failed to ask redress. It will always be my duty to do so where American citizens are concerned.

I do not see that the treaties can be amended so as to make your rights more secure. An American missionary, in the eyes of the law, is a citizen, no more. He is engaged in an honorable calling, just as if he were a banker, or a teacher of chemistry, or a tiller of the soil. So long as he observes the law, he must have the protection of the law. I think this states the whole proposition.

There are one or two further thoughts which occur to me. Your work is a peculiar one, and must of course meet with peculiar difficulties. History shows that there have been unhappily many instances of a public policy of suppression on the

part of states, resulting in martyrdom and massacre. If the religious element were strong in China, the same might be feared. Happily for you, gentlemen, and for us who are charged with your protection, no such sentiment exists. What we have to dread is some local antipathy or dislike that may lead to outbreaks, especially to our friends in the interior. Much of this may be avoided by patience and tact on the part of the ladies and gentlemen themselves engaged in the work, remembering that those who follow the cross must sometimes bear the cross.

Abnormal circumstances now existing, arising out of the strained relations between China and France, have occasioned the legations much concern as to the protection of the missions in the interior. The question of the protection of those at the open ports was well considered in the beginning, and an arrangement was made between the maritime powers by which the flag of any neutral nation would protect the citizens or subjects of every other neutral. In this arrangement were included the citizens of France. This has been faithfully observed, and I am glad to know that Admiral Davis has done everything to fulfill our part of this important engagement. Thus, for instance, although but one American resides in Newchwang, an American gunboat has been frozen in all winter for the safeguard of the foreign residents. At the same time, while we have many Americans in Tien-Tsin, they are under the protection of the Russian and German flags.

As to the interior, we are not in a position to give that entire support which we should like to extend everywhere. We have received from the Prince and ministers every assurance that, so far as the Government is concerned, there would be protection to every foreigner non-combatant, including the citizens of France. I do not think the integrity of this assurance can be questioned. It has certainly not been by the French Republic, whose minister remains on Chinese soil while warlike operations on the part of France are directed against the Chinese Government.

The question has been frequently asked whether the legations would advise those in the interior to come to the seaboard as a precautionary measure. I have not, so far as American citizens are concerned, felt it my duty to give such advice.

My lamented colleague, Sir Harry Parkes, with whom I had many conversations on this subject, did not feel that he could take a contrary course regarding English missionaries. Any action of this kind could only arise from circumstances within the knowledge of the residents themselves, and upon which they alone should act. There is perhaps no point in China more exposed than Peking—an official class, a turbulent army, and a threatened withdrawal of the rice, upon which the food of the army depends. We, a handful as it were, in the center of a vast population, with no possible means of naval or military support from our own flag in the event of tumult or uprising, have not even considered the advisability of retiring to the seaboard. At the same time the contingency may arise here as it may arise elsewhere. But the advice we have not felt it wise to follow, we have not thought it wise to give.

The decree from the throne in which the Emperor extends protection to loyal subjects, without regard to their creed, arose out of the protest of my colleagues and myself against the inhuman proclamations of the local authorities offering rewards for the heads of Frenchmen. It is within my knowledge that the Prince and ministers disavowed these proclamations. In regard to such occurrences as those reported in Chuhuan, I do not see that we can do more than has been our custom under similar circumstances. The diplomatic body has maintained the principle that the teaching of Christianity and its acceptance shall not be to the disadvantage of a Chinese subject. This has been confirmed by the throne. It seems wise for us, therefore, to accept what the throne gives as the expression of a general imperial policy, and when cases arise such as you indicate, implying a violation of our rights, to make them a matter of special remonstrance and reclamation.

In the mean time I remain, gentlemen, &c.,

JOHN RUSSELL YOUNG,
United States Minister.

No. 113.

Mr. Young to Mr. Bayard.

No. 696.]

LEGATION OF THE UNITED STATES,
Peking, March 30, 1885. (Received May 13.)

SIR: I have the honor to inclose a correspondence between the legation and the consul at Ningpo.

I have thought it well to say to the consul that as China and France are at peace with the United States, as we are officially informed that

a state of war exists between the two nations, and as it is our duty to maintain an exact neutrality, he would be justified in refusing to enter or clear any vessels under the American flag supplying either belligerent with contraband of war.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 696.—Extract.]

Mr. Stevens to Mr. Young.

UNITED STATES CONSULATE,
Ningpo, February 27, 1885.

SIR: * * * As our nation is at peace with both France and China, I would regard it as a questionable right upon my part to enter and clear a ship flying the American flag loaded with contraband articles of war for either of the contending fleets, and more especially so if she had cleared for another port than this.

Upon this important point I should be much pleased to have your excellency's instructions.

I am, &c.,

EDWIN STEVENS.

[Inclosure 2 in No. 696.]

Mr. Young to Mr. Stevens.

MARCH 30, 1885.

SIR: I have the honor, as a further acknowledgment of your dispatch No. 80, dated February 27, 1885, to say that I have carefully considered the facts therein recited. I agree with you that it would be a questionable right, under existing circumstances, for a vessel flying the American flag to carry contraband of war for either of the belligerent powers. Such an enterprise can only be undertaken at the risk of the owners of the vessel. No consuls should in my opinion give sanction to what would be regarded by either China or France as a violation of the obligations of neutrality.

I am, &c.,

JOHN RUSSELL YOUNG.

No. 114.

Mr. Smithers to Mr. Bayard.

No. 4.]

LEGATION OF THE UNITED STATES,
Peking, April 16, 1885. (Received June 5.)

SIR: I have the honor to inclose herewith a decree published in the Peking Gazette, under date the 13th instant, announcing the existence of an armistice between France and China, pending the discussion of the terms of a convention for permanent peace between the two countries.

It is with regret that I am unable to announce the removal of the embargo on the exportation of rice to the north.

I have, &c.,

E. J. SMITHERS.

[Inclosure in No. 4.]

Decree published in the manuscript Peking Gazette of date the 13th of April, 1885.

A decree issued in the presence of the ministers of the Grand Council. As France and China have now under consideration the question for the arrangement of peace, it being agreed upon the execution of the Tien-Tsin treaty, we command that the garrisons at all places (*lit.*, all roads) at the fixed period cease fighting. We further command that all the garrisons of the Yaman and Kwangsi, in accordance with the terms of the convention, at the fixed period be withdrawn from the frontier.

Respect this.

No. 115.

Mr. Bayard to Mr. Smithers.

No. 428.]

DEPARTMENT OF STATE,
Washington, April 20, 1885.

SIR: I have received Mr. Young's No. 650, of February 14 last, and have to approve his instruction to Mr. Wingate, consul at Foo-Chow, intimating that in view of our friendly relations with both China and France a consular officer should be careful to avoid doing anything, even in an informal manner, that might be regarded as a violation of the strictest neutrality.

As illustrating further our position in such cases, I herewith inclose for your information a copy of an instruction lately addressed to our consul-general at Shanghai touching the sale of vessels by American citizens in China.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 428.]

Mr. Bayard to Mr. Stahel.

No. 25.]

DEPARTMENT OF STATE,
Washington, April 14, 1885.

SIR: On the 19th ultimo you telegraphed to the Department inquiring "Can Americans sell steamers to Chinese?" You were answered to the effect that the inquiry was too vague to admit of intelligent examination.

On March 20 you repeated the inquiry in a modified form, "Can American steamers here be sold to Chinese?"

The question is still too obscurely presented to admit of a reply by telegraph covering the different cases which it presents. There are alternative aspects to each fundamental point covered by your inquiry, thus:

(1) Are the steamers in question registered vessels of the United States plying between our ports and those of China, or are they foreign-built vessels in Chinese waters, which have become the property of citizens of the United States through *bona fide* purchase?

(2) Are the owners of the steamers residing within or without the jurisdiction of China?

(3) Is it proposed to sell them to the Chinese Government, or to individual subjects of China?

(4) Are they to be employed as regularly-enrolled vessels of war, or as privateers under Chinese commission issued to individuals, or as Government transports, or as merchant vessels in legitimate trade with unblockaded ports, or as blockade runners?

Any given combination of these points would involve a distinct application of international law thereto.

Assuming that the owners of the steamers are within Chinese jurisdiction, as the steamers appear to be, judging from your second telegram, the intervention of the consular officers of the United States would be required in case of sale to aliens, to cancel the papers under which the steamers now bear our flag. If they are regularly registered vessels the registry is to be destroyed and one-half of it sent to this Department. If they are foreign built and owned by American citizens, the certified bill of sale allowed under paragraph 340 of the Consular Regulations of 1881 should be canceled by the consul; and if the new transfer should take place at another consulate than that at which the original purchase of the vessel was recorded, official correspondence between the two consulates would be needed to effect such cancellation.

It would, however, be manifestly improper for any official of the United States to take part in the transfer of a steamer, or of any property whatever, for a warlike purpose, to a belligerent towards whom the United States maintained a position of neutrality.

If, however, the proposed transaction should be clearly and positively determined to be wholly pacific, and not intended in any way directly or indirectly to favor the employment of the vessel for or in aid of any hostile purpose, the intervention of the consul to cancel the existing documents of the vessel would not violate any international obligation on the part of this Government. The utmost discretion and the

most evident and positive proof of the legitimacy of the transfer would, however, be necessary, and in case of doubt, however remote, it would be the consul's duty to decline to intervene in the transaction.

Your inquiry is susceptible of still another aspect, for you may have desired to know whether you were under any obligation to *prevent* the transfer of American-owned steamers to the flag of China, whether with pacific or with hostile intent. In any case where the ultimate object of the transfer is or may appear to be hostile, and where consular intervention is necessary to effect a valid transfer, the withholdment of such intervention would be the limit to which a consul could go to prevent such unlawful change of ownership. But if the legalization of the sale should be unnecessary, there would be no international obligation on the consul to prevent the seller from alienating his property, nor would any preventive means appear to be within the consul's reach, in such a manner as to impute responsibility to him for failure to employ them. The consul would have no more control, and consequently no more responsibility, in the case of transfer of the American vendor's property by private contract and simple delivery within Chinese jurisdiction, than in the case of a private contract on the part of the same vendor to lend his personal aid to either belligerent. In either case, the party alienating his property or his services does so at his own risk and peril.

This instruction, although covering only a part of the hypothetical field embraced in your inquiries, may serve to guide you in whatever specific case may be presented; but if you should be in doubt on any point involved, precise instructions will be given to you thereon.

A copy of this instruction will be sent to the United States legation at Peking for its information.

I am, &c.,

T. F. BAYARD.

No. 116.

Mr. Bayard to Mr. Smithers.

No. 431.]

DEPARTMENT OF STATE,
Washington, May 4, 1885.

SIR: I have received Mr. Young's dispatch No. 658, dated the 23d February, with inclosure, informing the Department that he had instructed the consul at Canton to recognize the right of John Frederick Pearson to American citizenship, and have given it my careful attention as well as Consul Sickels' dispatch No. 135, of January 3, 1880, to the Department, and Mr. Payson's approval of his course in this matter, of March 24, 1880.

I inclose you an opinion on the question by the law officer of the Department by which you will see that inasmuch as Pearson's father was an American citizen, the nationality of his mother previous to marriage would make no difference in the son's nationality, provided he was legitimate, unless the father was a citizen of one of the States which prohibit marriage with Chinese, of which there is no allegation in the present instance.

There appears to be no doubt of the son's good faith, and in the previous correspondence Consul Sickels speaks of him when at Bangkok as a young man of good character, and very clearheaded and intelligent.

As regards his legitimacy, the best way to bring out the facts would be to require Mr. Pearson to apply for a passport through the consul at Canton, making an affidavit to the circumstances of his case as given in Consul Seymour's No. 101, of January 24 last, and substantiating it with certificates of his birth and of his parents' marriage at Shanghai, by Rev. Father Desaggrue, which you say appears on the records of the Catholic church. This will make a complete record of the case, one copy of which can remain on the files of your legation, and another may be sent to this Department.

I am, &c.,

T. F. BAYARD.

enclosure in No. 431.]

DEPARTMENT OF STATE,
Law Bureau, April 29, 1885.

The prevalent opinion undoubtedly is that the fourteenth amendment of the Constitution of the United States does not confer citizenship on Chinese not born in the United States. We have several adjudications from Federal, circuit, and district courts to this effect, and although the question has not been definitely settled by the Supreme Court of the United States, yet not only from the terms of the amendment, but from the weight of authority, I must hold that there can be no such citizenship of Chinese born in China. But whether the legitimate child of an American citizen, such child being born in China from a Chinese mother, is an American citizen, is an entirely different question. As a general rule the legitimate children of American citizens born abroad partake of their father's nationality. Were the question before us whether or no an illegitimate child of an American citizen by a Chinese woman would be an American citizen, the conclusion might be different; but I can see nothing in the fact that the mother is a Chinese that takes the case out of the general rule, that the child of an American citizen born abroad acquires its father's nationality. If such is the case, the law that governs is the law of the father's domicile.

There are, I believe, one or two States in the Union which prohibit the marriage of white citizens with Chinese. There is no allegation in the present case, however, that the father of the child, whose status is now investigated, was domiciled in one of these States. I must, therefore, hold that the child in question is *prima facie* a citizen of the United States. No doubt the case may be embarrassed by the statement in Mr. Seymour's dispatch, hereto annexed, that the question as to whether this son "was born in wedlock is not settled"; but the rule of law undoubtedly is that, in doubtful cases, the presumption in favor of legitimacy is to control, and the conclusion, therefore, must be that John Frederick Pearson, whose rights are here investigated, being a legitimate son of Frederick Pearson, by a Chinese wife, assumes his father's nationality. This view is strengthened by the fact that a woman's nationality merges on marriage in that of her husband, and the Chinese wife of Frederick Pearson became, by the mere fact of her marriage, an American citizen. The difficulty which encounters us in the present case, however, is one that is independent of the rules I have just stated. While the law is indisputable that the child of an American father, born abroad, takes his father's nationality when an infant, I apprehend that the rule also is settled that when he arrives at full age he may elect or surrender such nationality and accept that of the country of his birth and residence. The preponderance of authority is that when such election is made it is final. The facts which are rather referred to than stated, in the accompanying dispatch, render it doubtful whether John Frederick Pearson made this election on arriving at full age. If he did I hold that the election was final and cannot be reviewed or recalled by any subsequent action on his part. But the evidence as to this specific issue being by no means as full as could be desired, I submit that the papers be remanded to the United States minister in China for the purpose of further inquiry.

Respectfully submitted.

FRANCIS WHARTON,
Law Officer.

No. 117.

Mr. Bayard to Mr. Smithers.

No. 439.]

DEPARTMENT OF STATE,
Washington, June 1, 1885.

SIR: I have to acknowledge the receipt of Mr. Young's dispatch of March 30, 1885, No. 696. It incloses copies of the correspondence between himself and Mr. Stevens, United States consul at Ningpo, in which the former agreeing with the latter upon the subject of articles, contraband of war, states that as both China and France are at peace with the United States it would be a questionable right under the circumstances for any vessel flying the American flag to carry contraband of war for either of the belligerent powers. The consul is consequently admonished against clearing any vessel freighted with such articles, the enterprise being undertaken solely at the risk of the owner or owners.

The duties of neutrality, by the law of nations, cannot be either expanded or contracted by national legislation. The United States, for instance, may, in excessive caution, require from its citizens duties more stringent than those imposed by the law of nations; but this, while it may make them penally liable in their own land, does not by itself make them or their Government extraterritorially liable for this action in disobeying such local legislation. On the other hand, a Government cannot diminish its liability for breach of neutrality by fixing a low statutory standard.

It is also to be observed that the fact that certain articles of commerce are contraband does not make it a breach of neutrality to export them. There has not been, since the organization of our Government, a European war in which, in full accord with the rules of international law, as accepted by the United States, munitions of war have not been sent by American citizens to one or both of the belligerents; yet it has never been doubted that these munitions of war, if seized by the belligerent, against whom they were to be used, could have been condemned as contraband.

The question, then, is whether furnishing to belligerents coal and life-shells is a breach of neutrality which the law of nations forbids. The question must be answered in the negative as to coal, and the same conclusion may be adopted with regard to life-shells, which are said to be projectiles used in the bringing to shore or rescue of wrecks.

Under these circumstances it is not perceived why, in the present case, the United States authorities should intervene to prevent such supply from being forwarded to the open ports of either belligerent. Even supposing such articles to be contraband of war and consequently liable to be seized and confiscated by the offended belligerent, it is no breach of neutrality for a neutral to forward them to such belligerent ports subject, of course, to such risks. When, however, such articles are forwarded directly to vessels of war in belligerent service another question arises. Provisions and munitions of war sent to belligerent cruisers are unquestionably contraband of war. Whether, however, it is a breach of neutrality, by the law of nations, to forward them directly to belligerent cruisers depends so much upon extraneous circumstances that the question can only be properly decided when these circumstances are presented in detail, and until an actual case of this character arises the Department prefers not to discuss the point.

I am, &c.,

T. F. BAYARD.

No. 118.

Mr. Denby to Mr. Bayard.

[Extract.]

No. 14.]

LEGATION OF THE UNITED STATES,
Peking, October 14, 1885. (Received December 5.)

SIR: * * * I inclose herewith two decrees relating to the reorganization of the imperial navy. The Tsung-li Yamên, Li Hung Chang, and the Seventh Prince were ordered to report a scheme of organization. They made their report. The Seventh Prince, Prince Chun, is put at the head of naval affairs, and Prince Ching, who is a member of the yamên, and Li Hung Chang are made colleagues.

This means on the part of China the construction of a great fleet and putting the coast in complete defense. It may result in the employment of American officers to command the vessels.

I have, &c.,

CHARLES DENBY.

[Inclosure 1 in No. 14.]

A decree published in the manuscript Peking Gazette, October 12, 1885, issued by the Empress dowager.

Some time ago, on account of the great importance of the reorganization of the coast defense, we ordered the northern and southern ministers, superintendent of trade, and others, to consider and report upon the subject, and they have duly submitted their respective views. We further ordered the princes and ministers of the grand council and of the Tsung-li Yamên, in conjunction with Li Hung Chang, to carefully consider this question and report. We also ordered the seventh prince to take part in all their deliberations. These officers have now submitted a comprehensive plan and they propose that a beginning be made by perfecting the organization of the naval squadron of the northern coast, and further improvements to be made gradually, year by year. As these propositions are very satisfactory, therefore let Prince Chun be appointed chief controller of naval affairs, and all measures of the coast defense to be decided by him. Let Prince Ching and the grand secretary and viceroy of Chihli, Li Hung Chang, be appointed as his colleagues in this management, and the lieutenant-general of the Chinese Red Banner Corps, Shan Ching, and the junior vice-president of the board of war, Tseng Chi Tze (Marquis Tseng) are appointed as assistant managers. Li Hung Chang will be made solely responsible for the reorganization of naval affairs for the northern coast.

And the said princes and ministers will carefully and minutely consider all necessary plans, and draw up proper regulations and submit them in due course to the throne.

Respect this.

[Inclosure 2 in No. 14.]

A decree published in the manuscript Peking Gazette, October 12, 1885, issued by the Empress dowager.

Prince Chun and others, in obedience to our commands to consider and devise plans for the reorganization of the coast defenses, submitted a report in which they state that Taiwan (Formosa), being a place of great importance, should have a high officer stationed there, &c.

Taiwan being the portal of our southern coast makes it a place of extreme importance, and therefore arrangements should be made in keeping with the changing times.

Therefore, let the office of governor of Fuhkien be changed to that of Taiwan, said governor to permanently reside there. Let the affairs of the governorship of Fuhkien be placed under the management of the viceroy of Fuhkien and Chekiang. The said viceroy and governor will deliberate carefully upon whatever may be necessary in effecting this change and report thereon.

Respect this.

No. 119.

Mr. Denby to Mr. Bayard.

No. 17.]

DEPARTMENT OF STATE,
Peking, October 16, 1885. (Received December 5.)

SIR: Tso Tsung T'ang, late viceroy at Nanking, superintendent of southern trade, &c., who, with Li Hung Chang, has for the last quarter of a century been the chief councillor of the Chinese throne, and one of China's most liberal statesmen, shortly before his death, which oc-

curred some weeks ago, drew up the inclosed memorial, which was presented to the throne.

The late war with France has unquestionably been of great advantage to China in many respects. It has shown her that her troops, well, or even indifferently drilled, might resist a foreign invader. She has, moreover, seen the inestimable advantage of telegraphic lines, which, as the Viceroy Tso remarks, "have become indispensable in China." Moreover, in the war with France, China has been enabled to appreciate the superiority of foreign armaments and modes of warfare; for, not only did the European arms, with which her troops in Tongking were generally provided, enable them to resist and frequently to defeat the French, but the confidence which the arms gave her soldiers increased their courage tenfold. China's war vessels, although not as successful as they might have been if more ably manned, still rendered her services which none of her older vessels could have possibly done.

China, however, does not want to be subject to foreign countries for the manufacture of her iron-clads and her steel guns. She has had for some years an arsenal at Foo-Chow, and at Port Arthur and Taku she has also naval establishments, although on a smaller scale. The viceroy Tso had already proposed to the throne to allow the iron mines of Hsüchow and Unyuen to be worked. Now he suggests that experienced chemists may be employed, for, as he pertinently remarks, "mining and the manufacturing of ships and guns always go together."

The viceroy does not, however, limit his suggestions for the coast defenses to the manufacture of iron-clads and cannon; he adds that railroads must be modeled and built, "for trade is the backbone of the state." The lines, the viceroy suggests, may have an extent of a thousand miles, but these, he remarks, are only as a trial, and when once they have proved a success, they can be extended. A line to the northwest (*i. e.*, towards the China-Russian frontier) is, he says, especially inevitable in the future.

The memorialist requests the throne to sanction the creation of a ministry for coast defense, in whose hands may be centered the vast plans which he has referred to, and the decree of the 5th instant, which I forwarded in my dispatch No. 14, shows that Tso's memorial is being acted upon.

The men who form the new ministry of coast defense are very liberal in their tendencies. The president, the father of the Emperor, known as the Seventh Prince, organized an arsenal some years ago near Peking, where arms and ammunition of an approved pattern are manufactured, and where it is expected that foreign machinery will be largely introduced. He is also largely interested in coal mining, &c. Li Hung Chang and Prince I Ching, the president of the foreign office, are well known to you. The latter, however well disposed, will be most likely largely influenced by his colleagues, men of much larger experience than he.

The moment is a momentous one for China. Li Hung Chang stands now the most respected councillor of the throne. No doubt can be entertained that all his efforts will tend towards China taking such steps in the way of progress as may best tend to consolidate her power at home and abroad, increase the wealth and well-being of the state, and give her the position among nations which she has a right to hold. The first step is naturally in the way of improving her military and naval forces, and to attain this end there is no doubt that foreign aid will be eagerly sought there where China's advisers think she can get the best. For the time being German army and naval officers are being nearly

everywhere employed ; the arsenals and powder mills are being equipped according to German plans, and ships and troops are under German instructors.

Modern warfare is a science which embraces many others, and which calls to its aid many branches of industry not originally connected with it. The Chinese know full well the importance for military purposes of railroads and telegraph lines, and there is no doubt that every effort will be made to have such railroad lines made as will tend to facilitate the concentration and provisioning of her troops. The working of her mineral resources which we gather from the very able reports of Baron Richthoffer are immensely large, will all require foreign assistance, at least in the first stages of the work.

China has not been standing still; factories of glass, woolen goods, paper, &c., equipped in Western style, which are scattered over the country and owned by Chinese subjects, are proofs of her enterprise, and now, if the Government takes the question earnestly in hand, we may look for the wide adoption in China of many of our appliances and modes of manufacture. That some of the above-mentioned enterprises have been unsuccessful proves nothing, for the Chinese know that the fault lies within themselves. New ventures in the same line are sure to follow, and when success shall crown any of their efforts the whole progressive movement will receive an impetus which will insure its permanent establishment in the country.

I have, &c.,

CHARLES DENBY.

[Inclosure in No. 17.]

MEMORIAL ON COAST DEFENSE.

By the late Imperial Commissioner Tso Tsung-Tang.

The memorialist, in compliance with an imperial decree directing him to make propositions for the necessary coast defenses, prostrate requests the establishment of a special minister of coast defense, with full powers, so as to have the direction of affairs centralized and all the conditions of coast defense under one control; and begs their majesties' sacred glance upon his memorial. The memorialist humbly states that on the 25th day of the 5th moon, 11th year of Kuang Hsü, he received from the cabinet ministers an imperial decree promulgated on the 9th day of the 5th moon:

"Although all the conditions of peace are completed, still there should be no laxity in preparing coast defense. Great and sincere exertions should be made for the future well-being, so that the defenses may be relied upon long and permanently. Obey this!"

The memorialist, looking upwards, perceives that their majesties are profound in their designs, caring for future contingencies, and showing deep solicitude for the coast provinces; all of which calls forth unspeakable admiration. The old age and the many ailments of the memorialist render him unfit to animadvert upon and take in every affair of state; still, if the memorialist discerns anything (beneficial to the state) how dare he disobey their majesties' order? And he therefore presents the following propositions, which may their majesties be pleased to select from and approve.

The memorialist humbly finds that the western countries have modeled and manufactured constantly for tens and hundreds of years guns and ships, thereby becoming powers on the seas, and doing what they wished to do in all things. Were the military preparations of China of twenty years ago compared with those of the West, we should be in no position to face them (foreign armies and navies) in a single engagement. But during the last ten or more years China has begun to establish gradually dock-yards, arsenals, and naval academies; although things have not been carried to perfection, yet the fundamental principles have been acquired. From this fact a year ago when the French troubles were initiated the Chinese were able to join in battle with the enemy, who retreated before the fire of our tremendous guns at Chin-hai. The successful result of our military preparations is obvious. Taking the present condition of our navy into consideration, the memorialist is sincerely of the opinion that the Chinese are inferior to foreigners in drill and practice. Still, even foreigners ad-

mit that the Chinese are very clever and quick with eyes, ears, and thoughts; and if those who hold superior positions would learn in all sincerity, following the good points of the foreigners, it would be possible even to direct their destinies, not to speak of protecting our own country.

In another imperial decree the memorialist reverentially perused the following:

"We, in planning and preparing defenses, have built dock-yards and established a navy; yet the ships built are not strong, the arms manufactured are not perfect, the officers selected are not experienced, the funds devised are not sufficiently ample."

The memorialist is of opinion that in building ships iron-clads should take the lead, and in manufacturing arms steel guns ought to be considered essential. A memorial proposing the building of large dock-yards and arsenals with all the particulars fully set forth has already been laid before the throne by the memorialist; since to purchase ships and guns is not so advantageous as to build and manufacture them. The Fuhkien arsenal is not so spacious as to admit the building of large iron-clads; and the request for establishing big dock-yards is of imperative importance, permitting no delay. The memorialist hears that the former acting governor-general of Hu-kuang, Pien Pao-ti, proposed starting an arsenal at the entrance of Fan-yang Hu in Kiangsi. The Yangtze River below Hankow and Wuchang is nowhere so deep and so dangerous to navigation by the banks and indentations as this place (Fan-yang Hu), and the memorialist begs their majesties to order the governors of Hupei and Kiangsi to dispatch officials to have the place sounded, and to deliberate upon the advisability of carrying out the propositions. The breech-loading big guns are to be speedily manufactured as soon as the arsenal is finished. Perhaps it is more expedient, as the memorialist thinks, to order the arsenals in Kiangnan and Kuangtung to first try manufacturing (big breech-loading guns) as experiments, so as not to waste money and commit mistakes. All these should be taken into early consideration. The memorialist considers that the chief importance of organizing coast defense is to have a proper man to take charge of it. That the Chinese navy is ineffective some attribute to the want of exertion (on the part of the authorities); yet among the metropolitan and provincial officials patriotic and good men are not wanting. There must be some reason which accounts for the hindrance which interferes with every step that is taken (in naval affairs). The memorialist is acting as commissioner for the defense of the seaboard and adviser to the cabinet; and he humbly perceives that on account of the direction of affairs not being centralized everything is difficult of management. The reason is this: The power of the board ministers is great, because they receive direct decrees from the throne to deliberate in unison; but in every matter, whether great or small, they mostly propose and follow out the requests of the high provincial authorities. The power of provincial viceroys and governors is limited to the territory under their control; even the high commissioners of the Northern and Southern Oceans are not at liberty to intrude into the matters of a province not under their jurisdiction.

As their majesties have truly said, to start and build ships and manufacture arms in a single corner of the Empire is not arranging a complete state of coast defense. If it is now desired to expunge the evil of orders not being executed effectively, it is necessary to select with care a virtuous and able man, and raise him to a high post, which is to be called either minister plenipotentiary for coast defence, or minister of the board of marine. In all matters relating to coast defense, the minister calculating upon the entire state of affairs under his control, can report to the throne and act. He should have full powers to select officers, drill soldiers, devise funds, and build ships. His permanent residence should be on the Yangtzu; but southward he should watch over Fuhkien and Kuangtung, and northward guard the seat of government. He should be at liberty either to perform his duties in his yamên or to make his tours of inspection about all places under his control, as circumstances demand, without being fettered in any respect. An assistant minister should also be chosen to give advice and help to his chief when in the yamên, superintend the works, and guard the office when the first minister is away on his tours. When powers are vested in a single person he cannot shirk his responsibilities; then success may be immediately looked for; but such a minister, occupying such a high position and shouldering such enormous responsibilities, must be a man of excellent character and repute, well versed in foreign studies (or affairs), and respected by both foreigners and Chinese. As to the various details the memorialist cannot propose beforehand, lest a pre-established opinion may cause mistakes. The memorialist, enjoying high imperial favors without being able to repay a particle, tremblingly following the precept of the holy philosophers of taking warning of the past and care of the future, and laying before their majesties his humble and limited experience, now presents the seven propositions which are possible to decide on for the imperial perusal, and awaits a decree for their execution and their majesties' instructions.

The memorialist respectfully proposes seven propositions of coast defense, devised and framed according to the exigencies of the present times, and reverentially presents them for their majesties' sacred perusal.

I. War ships must be built in sufficient numbers. Foreign navies have fast-steaming cruisers; gunboats; fish torpedoes, to assist their strong and powerful iron-clads; transports, to carry provisions; steam-launches and gigs to facilitate every movement; just as the Chinese land forces, consisting of infantry, cavalry, battalions of gingals and shields, which combined form an army—because they are in need of each other they benefit one another. Since it is proposed to make a grand reorganization of the navy, it is necessary not only to have everything prepared, but to have everything perfect. The old-fashioned half-fighting and half-merchant vessels should be made to do duty as transports. The fast-steaming cruisers of the latest pattern are capable to a certain extent to enter into battle, but they cannot fight alone. The entire length of the Chinese sea-coast is estimated to be over ten thousand li; and we must at least have ten large naval squadrons, well drilled, each squadron composed of several iron-clads and a sufficient number of auxiliary vessels, so that in case of war we may be able to meet the enemy.

II. The naval regulations must be deliberated upon and adopted. The conditions of the navy established in former times are different from those of the present. Besides the naval forces doing duty in the Yang-tsze and the inland rivers (which are to remain just as they are) the sea forces all along the coast should undergo a thorough uniform change. Moreover, the ships of the Nan-yang* and Pei-yang† are not a well-organized squadron. Henceforth, since the sea forces are to be reorganized, they should be placed under the direction of the minister plenipotentiary for coast defense. Each squadron should have a commander, equivalent to the rank of general in land forces, and an assistant commander equivalent to the rank of commandant on land; then should come officers holding ranks equivalent to colonels and lieutenants in the military sense. All promotions, changes, dispatches for service, and bestowals of posts among naval officers are to be reported to the throne by the administrator of coast defense before being carried into effect. The territorial authorities are only to have control over land forces garrisoning the port. Unless extraordinary emergency demands, they are not at liberty to summon naval squadrons to their assistance. In performing all official journeys and business special boats must be requisitioned; the war ships cannot be indiscriminately employed.

III. Rules must be established for patrolling, guarding, drilling, and practicing, so as to constantly exercise the squadrons. If the ten squadrons were only doing the duties of defense without constantly cruising about, being drilled and kept in practice, they might be numerous, but they would be of no use. Therefore out of the ten squadrons, it is proposed that eight should be distributed at Taku for Tien-Tsin, Yunchun for Nin-ku-ta, Chefoo for Shantung, Tsung-ming for Kiang-nan, Chin-hai for Che-kiang, Foochow for Fuhkien, Formosa and the Pescadores, and Kiung-chow (Hainan) and Canton for Kuangtung. Each squadron is to be stationed at the places assigned to it; Amoy, Swatow, Chinkiang, Peitang, and other places will have war ships stationed within their harbors, detached from the squadrons that are ordered to watch over the special provinces, and they must be kept in drill and practice morning and night. The eight squadrons stationed at different ports should exchange their posts once in every four months, at which time they should meet in a grand naval rendezvous. As regards the remaining two squadrons one should cruise about Japan (*lit.* Eastern Ocean), the other about the countries of the West (*lit.* Western Oceans), doing the same duty as the ships of other nations in China, protecting the merchants; they can also practice and learn to ride the storms, find out about sand-banks and shallows, become acquainted with the climate and habits of the people, discern the position and situation (of other countries' coast), and study natural philosophy and manufactures. In case any two countries are at war with each other these two squadrons should go and watch the battles, and at the expiration of a year return to take their place among the squadrons of defense, out of which two others are selected to do duties abroad. A yearly report is to be drawn up by the squadrons for cruise and for defense, detailing the particulars of what they have learned and what they have practiced, and presented to the administration of coast defense for examination. The deportment of the officers in each ship is also to be reported and the throne petitioned to award rewards or penalties as cases may require.

IV. The various administrations for various business should be co-operative. Formerly the memorialist petitioned the throne to allow the mines of Hsü-chow and Mu-yuen to be worked so as to furnish materials for the building of iron-clads and manufacture of steel guns. A decree was issued ordering the memorialist to deliberate as to which was the best place to start a foundry. According to ordinary circumstances the memorialist is of the opinion that the governments of Liang Kiang, Fuhkien, and Chekiang should devise and furnish funds to make an experiment; or that honorable, titled, and wealthy merchants should be requested to issue shares and start the enterprise. Experienced chemists should be employed to explain and find out the best methods of assaying, so that steel and iron may be speedily produced in order to meet

*i. e., Southern Ocean.

†i. e., Northern Ocean.

all requirements. The fact is that mining and the manufacturing of ships and guns always go together. Now, as a minister plenipotentiary for coast defense is to be appointed, all guns, ships, mines, foundries, and ammunitions should be placed under his sole management; for thus duties can be performed in a more expeditious manner. The memorialist proposes to request the throne, as soon as a proper man is appointed to be minister of board of marine, to abolish the office of high commissioner in the Foochow arsenal, and to allow the minister to select a man to fill the post in the arsenal with the approval of their majesties. The arsenals of the other provinces are also to be under the minister's general direction, so that there may be uniformity in every measure set on foot.

V. Funds must be generally devised. The memorialist perceives that in forming the naval squadrons the expenses necessary must be enormous. The yearly expenditure will be about three or four millions.* Now, our treasury is in an embarrassed condition, and unless all China exert itself to bring forth its combined resources it is impossible to carry out the plan. The first method of devising funds is to reduce the army. If we decrease the regular army by six-tenths several millions can be gained. If one-tenth of the funds for recruiting soldiers were reserved it would bring in hundreds of thousands. Moreover, taxes on foreign goods (?) or opium (?) can be increased, and gun-junks along the coast can be done away with. This increase on the one hand and abolition on the other will result in procuring hundreds of thousands—even millions. May it please their majesties to instruct the boards of revenue and war to find out what are the present income and expenses, and what these would be after the reductions in the different branches of service are made, and how much funds can be devised thus, so that the yearly expenses for administration of the coast defense may be fixed, which sums should be considered as the revenue of the board, and no province be permitted to be short in its remittance. The various provinces in yearly subsidizing the arsenals and in purchasing foreign goods and foreign materials (for military and naval purposes) expend several tens of thousands. Whatever can be economized out of these every year should be handed over to the minister of the board of marine, who is to render an account of his expenditures to the throne.

VI. Railroads must be modeled and built. In foreign countries trade is the backbone of the state, and China is different from them in condition and circumstances. But railroads are built by the merchants; military movements are benefited by the roads. Transportation is facilitated and made expeditious, and wherever the railroad extends there benefits accrue. Before the railroads were made many hindrances were thrown in their path, but when once they came into existence the people on that account grew rich, countries became powerful, and goods imported were multiplied. That there is every advantage and no detriment is only too obvious. The comments of the masses are multifarious, but there is no necessity to argue with them and explain everything. As the *Analects* have it, "The people can be made to follow, but cannot be convinced." Take, for instance, the telegraph and steam navigation, things China never had before; yet once they are initiated they become indispensable. If railways are introduced the benefits that will be derived are of still wider scope. The memorialist is of the opinion that the first railroad should be laid from Tungchow† to Tsing-kiang-pu,‡ so as to connect the pivots of the north and south. Transportation being made easy, the trade will become brisk; military movements being rendered expeditious, the army may be reduced to a great degree. Besides, the cost of the road is only several millions. If shares are purchased by mandarins and merchants to make this road as an experiment, the plan can be carried into execution. Moreover, it interferes in no respect with the country, or the livelihood of the people. When this road is a success it can be extended. A railroad for the northwest is especially inevitable in the future. The memorialist proposes that as soon as the minister for the board of marine is appointed he is to be instructed to deliberate upon the subject, to devise methods for raising funds, to draw up proposals for carrying the plan into execution, and finally to report everything to the throne.

VII. The ambition of the students must be encouraged. The Government, in selecting students, considers of the first importance morals and accomplishments; for morals are the motive principle, and accomplishments are for action. In the year previous Pan Yen-tung memorialized the throne to start a special examination for students who study arts and crafts, and the memorialists, obeying a decree, deliberated in unison [with Pan] and framed a circular to the effect that [Confucian] doctrine and arts or crafts are from the same origin and cannot be separated into two different objects; so that able and talented men are to be had even among those who pursue the latter studies. Now, the memorialist, having some personal experience in seaboard affairs, and having made minute inquiries in all matters, is of the idea that not only such a college as the one proposed by Li Hung-chang, where naval and military men

* i. e., from \$3,750,000 to \$6,000,000.

† On the Pei-ho, 13 miles southeast of Peking, with which it is connected by a canal.

‡ On the Yang-tze, near Chinkiang. (?)

can study polytechnics, manufactures, geography, and laws, so as to combine morals with accomplishments, should be opened, but it is also necessary to start a Government school and to frame regulations in accordance with which scholars may be enabled to advance themselves. Foreign books are to be translated and carefully written out. The students and people are to be instructed so that they can teach each other. Then ability and talent will be inexhaustible. The best methods to be adopted to carry out this project will be proposed by the minister plenipotentiary for coast defense.

The memorialist humbly awaits the imperial decision on these seven propositions.

No. 120.

Mr. Denby to Mr. Bayard.

No. 34.]

LEGATION OF THE UNITED STATES,
Peking, November 5, 1885. (Received December 26.)

SIR: I have the honor to state, as a matter of interest to a great many persons in the United States, and as part of the current history of China, the position of that Empire as to the construction of railroads.

The most prominent man in China to-day is Li Hung-chang, who is grand secretary of the Empire, viceroy of the province, and one of the heads of the admiralty board. His residence is at Tien-Tsin, but he lately spent some weeks at Peking. I had the pleasure of meeting him on several occasions. He seems to have great respect for foreigners. He has for some years been in favor of building railroads. He has had a hard fight in China to have his views approved. The opposition comes chiefly from the censors and the board of revenue. The censors represent that numbers of men would be thrown out of employment, graves would be desecrated, and internal troubles would ensue. The board of revenue claims that if railroads are built the whole revenue service of China would have to be changed. It seems likely in effect that the lekin tax, which is one of the chief sources of revenue to China, would have to be abandoned or materially modified. This is a consummation that the foreigners most ardently desire. The viceroys generally oppose railroads because they tend to centralization of power, and thereby diminish their own influence. But Li Hung-chang, through all the changes of men and measures, has maintained his power, and there seems every reason to believe that he will succeed in his plan of constructing railroads.

I send to the Department the dying memorial of Tso Tsung Tang, which contains an able presentation of the argument in favor of constructing railroads in China. By way of parenthesis I will state that a dying official always leaves a posthumous memorial to the Government. It also happens often that after he is dead some distinguished honorary office is conferred on him by imperial decree. This memorial of Tso Tsung Tang preceded by a very few days the visit of Li Hung-chang to the capital, and furnished him a fine opportunity to press his railroad views.

It was considered, certainly with reason, that the best mode of inviting the attention of the members of the Government to the merits of railroads would be to exhibit a working model of an American roadway and rolling-stock. The Chinese are eminently a practical people and without much scientific knowledge; therefore an actual ocular demonstration of the thing proposed is the surest and easiest mode of carrying conviction to their minds.

Acting upon this peculiarity, a complete working model railroad was procured from the United States. It consisted of 100 feet of main track and sidings, with switches and turn-table, a passenger locomotive and tender, mail and baggage cars, passenger cars, Pullman parlor and sleeping cars, different kinds of freight cars, a full section of seats and berths in sleeping-car, &c. The cars were 5 feet long, and all other parts of the model were in equal proportion, and care had been taken to make the model throughout an exact representation in miniature of road, locomotive, cars, &c., in actual use in the United States, complete in the smallest detail. The motive power was clock-work. This model was exhibited to the viceroy, Li Hung Chang in his yamên at Tien-Tsin, in September last, and he expressed himself much pleased with it, and said he would exhibit it in Peking when he went there in October.

On the 16th of October the model, which had been conveyed to Peking, was again exhibited before the viceroy by his order, and on the following day the viceroy presented it to Prince Chün, the Emperor's father. Several native mechanics who were able to work the model went with it to the prince's palace and worked it successfully in the pleasure grounds of the palace. The prince was highly pleased and thanked the viceroy heartily. He also gave presents to the mechanics and had them instruct his own attendants in the working of the model. Two days later the prince sent the model to the imperial palace, where it was exhibited to the Emperor and Empress dowager, and worked successfully. Their majesties were much interested and amused, and spent some time in a minute examination of the model. It was the first and most complete representation they had ever seen of the much-talked-of railroad, and it enabled them and the prince to realize many of the benefits that this modern institution would confer on China. It is understood that the event materially assisted the viceroy in his advocacy of railroads for China, and their majesties lent a willing ear to all he had to say in favor of railroads, and agreed to allow him to prepare for their introduction into the country.

It is to be hoped that this good result will be followed by measures favorable to the adoption of our system of railroads in various parts of this vast Empire. There are many ways in which our system is peculiarly adapted to China, and it may be expected that the enterprise and skill of our engineers and manufacturers will find a profitable field for employment in China, and furnish men and material fitted to sustain the high reputation of our railroads and their management.

I have, &c.,

CHARLES DENBY.

CORRESPONDENCE WITH THE LEGATION OF CHINA AT WASHINGTON.

No. 121.

Mr. Bayard to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, April 24, 1885.

SIR: I have the honor to inform you that by an act of Congress approved March 3, 1885, the President was directed to cause the sum of \$583,400.90 to be paid to the Chinese Government out of the residue of

the indemnity received by the United States from China in pursuance of the claims convention of 1858; provided that before the payment to China the Secretary of State should pay to the executors of Charles E. Hill the sum of \$130,000, upon receipt of a release in full for all claims upon China for the use and loss of the steamer Keorgeor, in or about the year 1863.

This latter prescription of the law having been complied with, the President desires me to now pay over to China the sum of \$453,400.90, this being the remainder of the sum of \$583,400.90, after deducting the payment of \$130,000 to the executors of Charles E. Hill.

Having been advised by the chargé d'affaires of the United States at Peking that it is the wish of His Imperial Majesty's Government that your excellency shall be the recipient of this payment, it gives me great pleasure now to proceed with you to the fulfillment of the provisions of law and the wishes of the President and His Imperial Majesty's Government. For this purpose I send to you by one of the officers of this Department a draft drawn by Messrs. Riggs & Co., of this city, upon the Bank of America, of New York, in my favor, and by me duly indorsed to your order, for the sum of \$453,400.90. The officer who brings you this will also bring you two receipts and releases, of identical tenor, which were executed by the executors of Charles E. Hill, and three identical forms of receipts for the sum of \$453,400.90 for official execution by yourself.

I have authorized the bearer to witness on my behalf your execution of the triplicate receipt, and have instructed him to leave with you the duplicate and triplicate executions, so that, with the duplicate and triplicate executions by the executors of Charles E. Hill, you will be enabled to furnish your Government and fortify yourself with an accurate account of the transaction.

In thus terminating a most pleasant incident of the happy relations which have always existed between our two Governments, I avail myself, &c.

T. F. BAYARD.

No. 122.

Mr. Cheng Tsao Ju to Mr. Bayard.

CHINESE LEGATION,

Washington, D. C., April 25, 1885. (Received April 27.)

SIR: I have the honor to acknowledge the receipt of your note of the 24th instant, informing me that in compliance with an act of Congress approved March 3, 1884, directing the President to pay to the Chinese Government the sum of \$583,400.90 out of the residue of the indemnity received by the United States from China in pursuance of the claims convention of 1858, first deducting the sum of \$130,000 to satisfy the claims of the executors of Charles E. Hill for the use and loss of the steamer Keorgeor, the President desired you to pay over to China the sum of \$453,400.90, being the remainder of the sum of \$583,400.90, and that you send by one of the officers of your Department a draft duly indorsed to my order for the amount.

I have the honor to state further that on yesterday the officer designated handed to me the draft above mentioned, together with the two receipts of the executors of Charles E. Hill, and that I officially executed receipts for the sum refunded to China, and returned one to you by the officer authorized to witness their execution.

I shall report to my Government an account of this transaction, and procure from it a receipt for the sum paid over to me, which I will forward to you when received.

I take great pleasure, Mr. Secretary, in expressing to you my thanks for your courtesy and kindness in this matter. This generous return of the balance of the indemnity fund by the United States to China cannot fail to elicit feelings of kindness and admiration on the part of the Government of China towards that of the United States, and thus the friendly relations so long existing between the two countries will be strengthened.

Accept, sir, &c.,

CHENG TSAO JU.

RECEIPT ON BEHALF OF CHINA.

I, the undersigned, envoy extraordinary and minister plenipotentiary of his Imperial Majesty, the Emperor of China, do hereby acknowledge to have received, on this 24th day of April, A. D. 1885, in the name and on account of the Imperial Government of China, from the Hon. Thomas F. Bayard, Secretary of State of the United States of America, a draft drawn by Messrs. Riggs & Co., of Washington, D. C., on the Bank of America, of New York, in favor of the Secretary of State of the United States, and by him duly indorsed to my order, for the sum of \$453,400.90, in lawful money of the United States of America, it being well understood that this payment by the Secretary of State to me as the representative of the Chinese Government is in full and due execution by the President of the United States, in so far as the Government of China is concerned, of the provisions of the act of Congress approved March 3, 1885, which is word for word as follows:

"AN ACT relative to the Chinese indemnity fund.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized and directed to cause the residue of the indemnity received from China, which is now in the custody of the Secretary of State, and is known and designated in the accounts and reports of the Department of State as the Chinese indemnity fund, to be converted into coin, and the sum of five hundred and eighty-three thousand four hundred dollars and ninety cents be returned to the Chinese Government, and the balance of said fund, if any, be covered into the Treasury of the United States: Provided, That before the payment to China the Secretary of State shall pay from said fund to the executors of Charles E. Hill the sum of \$130,000, upon receipt of a release in full for all claims upon China for the use and loss of the steamer Keorjeor, in or about the year eighteen hundred and sixty-three.

"Approved March 3d, 1885."

And proof having been produced before me that in compliance with one of the provisions of said act, the Secretary of State of the United States has paid to the executors of Charles E. Hill the sum of \$130,000 upon receipt of a release in full for all claims upon China for the use and loss of the steamer Keorgeor in or about the year 1863, I hereby ratify the action of the Secretary of State in making such payment, and, furthermore, in consideration of the sum of \$453,400.90, the receipt of which I have above acknowledged, I do, in the name of my Government, by these presents, remise, release, and forever quit-claim and discharge the Government of the United States from all claim or demand whatsoever for or on account of any pecuniary rights which China may have acquired by virtue of the act of Congress aforesaid, and the transactions referred to therein, and I undertake to procure for the Government of the United States, from the minister for foreign affairs of China, a receipt and quittance similar in substance and effect to these presents.

In witness whereof I have hereunto set my hand and affixed the official seal of my legation, at the city of Washington, D. C., this 24th day of April, A. D. 1885.

[SEAL.]

CHENG TSAO JU,

*Envoy Extraordinary and Minister Plenipotentiary
Of H. I. Chinese Majesty to the United States.*

I hereby certify that Cheng Tsao Ju, known to me to be the envoy extraordinary and minister plenipotentiary of China to the United States, executed the above instrument in my presence this 24th day of April, A. D. 1885.

SEVELLON A. BROWN,
Chief Clerk, Department of State.

RECEIPT OF THE EXECUTORS OF CHARLES E. HILL.

Know all men by these presents:

Whereas, by an act of Congress approved March 3, 1885, entitled "An act relative to the Chinese indemnity fund," it was, among other things, enacted that the Secretary of State should pay from said fund to the executors of Charles E. Hill the sum of \$130,000, upon receipt of a release in full for all claims upon China for the use and loss of the steamer Keorgeor, in or about 1863; and

Whereas, the undersigned, Josiah H. Drummond, jr., of Portland, Me., and Horatio N. Twombly, of New York City, are the duly appointed and qualified executors of the said Charles E. Hill, deceased, in said act mentioned, as by a certified copy of the letters testamentary to them issued, filed in the Department of State of the United States, will fully appear:

Now, therefore, know all men by these presents, that we, the undersigned, executors as aforesaid of the said Charles E. Hill, deceased, do hereby acknowledge to have received from the Secretary of State of the United States the sum of \$130,000, paid by a check dated March 25, 1885, and drawn by the disbursing clerk of the Department of State, on Messrs. Riggs & Co., of Washington, D. C., in favor of Horatio N. Twombly and Josiah H. Drummond, jr., executors, for \$26,000, and a draft drawn by Messrs. Riggs & Co., of Washington, D. C., dated March 25, 1885, on the Bank of America of New York City in favor of Horatio N. Twombly and Josiah H. Drummond, jr., executors, for \$104,000, and that as such executors as aforesaid of the said Charles E. Hill we have remised, released, and forever discharged, and do by these presents remise, release, and forever discharge the Empire of China, and also the United States of America, of and from all claim or demand whatsoever, whether of the said Charles E. Hill, deceased, or of his estate, or of us as his executors, for or on account of the use and loss of the steamer Keorgeor, in or about the year 1863.

Witness our hands and seals at the city of Washington, D. C., this 25th day of March, A. D. 1885.

[SEAL.]

[SEAL.]

JOSIAH H. DRUMMOND,
HORATIO N. TWOMBLY,

Executors of the last will and testament of Charles E. Hill, deceased.

Witnesses:

JOHN J. CHEW,
HENRY L. BRYAN.

CITY OF WASHINGTON,
District of Columbia, ss:

On this 25th day of March, A. D. 1885, before me, John J. Chew, a notary public in and for the city and district aforesaid, personally appeared Josiah H. Drummond, jr., and Horatio N. Twombly, to me known to be the individuals who severally executed the within instrument, and each acknowledged the same to be his free act and deed.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year last above written.

[SEAL.]

JOHN J. CHEW,
Notary Public.

No. 123.

Mr. Cheng Tsao Ju to Mr. Bayard.

CHINESE LEGATION,
Washington, D. C. (Received August 5, 1885.)

MEMORANDUM.

Referring to the second rule of the circular dated December 6, 1884, issued by the Secretary of the Treasury for the admission of Chinese persons of the exempt class under the act of July 5, 1884, that "Chinese subjects, not laborers, desiring to come to the United States from countries other than China, may do so on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by a Chinese diplomatic or consular officer, or if there be no such Chinese officer stationed at such port, on a like certificate to be

issued by a United States consular officer," the Chinese minister begs to state that the Chinese merchants, not laborers, residing in Hong-Kong, constantly go to and from New York and San Francisco, or Cuba, Peru, and other places, via the United States, on commercial business; and that there is in Hong-Kong no Chinese official, but there is a United States consul. Starting from Hong-Kong, where there is no Chinese official to issue them certificates for their entry into or transit through the United States, these merchants can only, in compliance with the rule stated above, apply to the United States consul there for the same. The Secretary of State is respectfully requested to instruct the newly appointed United States consul to Hong-Kong to issue to such Chinese merchants certificates in accordance with the law and circular mentioned. This would greatly facilitate the trade and increase the commercial interests between the United States and China.

It is stated that certain Chinese merchants coming from the Hawaiian Islands to this country with certificates issued by a United States consul there, were met with objections by the customs authorities at San Francisco on the ground that the certificates were not drawn in the proper form. To avoid such objections by the customs authorities, the Secretary of State is also respectfully requested to cause a fixed form of certificate to be drawn and issued to all the United States consular officers residing in those countries where Chinese merchants have commercial intercourse with the United States.

No. 124.

Mr. Bayard to Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, August 11, 1885.

SIR: I had the honor to receive, on the 5th instant, through the Secretary of your legation, your unsigned memorandum, in which you advert to the frequent departure of Chinese subjects, not laborers, under the stipulations of existing treaty, from the foreign port of Hong-Kong, where there is no Chinese official to issue them certificates for their entry into or transit through the United States, and ask that the newly appointed consul of the United States at Hong-Kong be instructed to issue to such Chinese merchants departing from that port certificates in accordance with existing statutes and with the second rule of the circular of the Secretary of the Treasury dated December 6, 1884. Your memorandum further adverts to a recent statement that certain Chinese merchants, coming hither from Hawaii with certificates issued by the United States consul there, had been met with objections by the customs authorities at San Francisco on the ground that their certificates were not drawn in the proper form, and to avoid such objections it is suggested that a fixed form of certificate be prescribed for the use of the consuls of the United States in those countries where Chinese merchants have commercial intercourse with this country.

The circular of the Secretary of the Treasury of December 6, 1884, was in due time communicated to the United States consul at Hong-Kong, among others, with instructions to carry out its provisions, especially in respect of the second rule thereof. This Department is unaware of any obstacle to the fulfillment of that instruction beyond

certain technical objections raised by the late consul, Mr. Mosby. Nevertheless, in pursuance of the request conveyed by [the memorandum, and in order that no possible interruption of the prescribed rule of conduct of the consul in the premises may ensue by reason of the recent change in the incumbency of the office at Hong-Kong, an instruction will be sent forthwith to Mr. Robert E. Withers, the newly appointed consul at that port.

The further suggestion of your memorandum, relative to a fixed form of certificate to be used by United States consuls at foreign ports other than Chinese, is referred to the Secretary of the Treasury, with the request that such a form be drawn up. When the Secretary of the Treasury shall have replied, I will take pleasure in instructing the consuls at the principal ports whence Chinese merchants and other Chinese subjects not laborers may be in the habit of departing for ports of the United States, either for purposes of sojourn in this country or in transit to other countries. In order that such circular instructions may reach all consulates concerned in executing the orders therein given, I have the honor to request that you will at your earliest convenience give me a list of the ports from which Chinese subjects of the exempted classes are likely to depart and where there may be no Chinese official competent to issue the certificate called for by the act of July 5, 1884.

Accept, sir, &c.,

T. F. BAYARD.

No. 125.

Mr. Cheng Tsao Ju to Mr. Bayard.

CHINESE LEGATION,

Washington, D. C., August 17, 1885. (Received August 17.)

SIR: Having acknowledged the receipt of your note of the 11th instant, advising me that an instruction was to be sent to Mr. Robert E. Withers, the newly appointed United States consul to Hong-Kong, to issue to the Chinese subjects, not laborers, certificates in accordance with the present statutes and the circular of the Secretary of the Treasury dated December 6, 1884, and that the Secretary of the Treasury has been requested to have a fixed form of such certificates to be drawn up, I have the honor to express to your excellency my gratitude for your kindness and courtesy in these matters. In compliance with your request that you shall be furnished with a list of the ports from which Chinese subjects of the exempt classes are likely to depart, and where there may be no Chinese official to issue them certificates, I take pleasure to inclose a list of those ports where there are comparatively more such Chinese persons to come to or through the United States.

Accept, sir, &c.,

CHENG TSAO JU.

[Inclosure.]

A list of the ports where there are comparatively more Chinese subjects of the exempt classes to come to or through the United States.

Asia: Hong-Kong, China; Saigon, Anam; Bangkok, Siam; Ceylon, India; Manila, Philippine Islands.

Oceanica: Sydney, Australia; Melbourne, Australia; Honolulu, Sandwich Islands.

North America: Victoria, British Columbia.

South America: Panama, United States of Colombia; Aspinwall, United States of Colombia; Iquique, Chili.

No. 126.

Mr. Cheng Tsao Ju to Mr. Bayard.

CHINESE LEGATION,

Washington, D. C., September 11, 1885. (Received September 11.)

SIR: I have the honor to inform you that I have received a telegram from Mr. Huang Tsun Hsien, Chinese consul-general at San Francisco, in which it is stated that on the 2d instant the Chinese residents at Rock Springs, Wyoming Territory, were attacked by a mob of American citizens; that many were wounded and killed, and a very large amount of property belonging to the Chinese residents was robbed and destroyed.

In order to ascertain the facts I have appointed Col. Frederick A. Bee and Mr. Huang Sih Chuen, consuls of China, and Tseng Hoy, interpreter, to proceed to Rock Springs and make an investigation.

On account of the excitement prevailing in the vicinity of the outbreak, danger may be feared to the persons commissioned, and I respectfully ask that instructions may be issued from the proper quarter for the protection of the persons named above; and, if it be proper, that an officer or officers may be detailed to accompany them.

I shall also be greatly obliged, Mr. Secretary, if you can send me a document to serve as an introduction and protection to the persons named above, which I can forward to them.

If there is anything unusual in these requests, I trust, Mr. Secretary, that the gravity of the situation at Rock Springs may furnish my excuse. I feel that I can confidently appeal to your kindness and to the generosity of the Government of the United States.

Accept, sir, &c.,

CHENG TSAO JU.

No. 127.

Mr. Bayard to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,

Washington, September 11, 1885.

SIR: I have had the honor to receive through the courtesy of Mr. Tsai Kwok Ching, the first secretary of the legation of China here, your note, of to-day's date, in regard to the recent attack on His Majesty's subjects at Rock Springs, Wyoming Territory, and the efforts you contemplate making by sending Col. Frederick A. Bee and Mr. Huang Sih Chuen, with Tseng Hoy, as interpreter, to that place to investigate and make report as to the facts.

It will give me much pleasure to aid you in this matter by all means within my power, and to that end, upon being notified of your legation's approach, two officers of the United States Army will meet Colonel Bee and his colleagues at Ogden City, Utah, and will accompany them to Rock Springs and the scene of the late disturbance, and will remain with them, giving them all aid and protection in the prosecution of the thorough investigation of the most regrettable assault upon the Chinese laborers.

Accept, sir, &c.,

T. F. BAYARD.

No. 128.

Mr. Bayard to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, September 12, 1885.

SIR: I have the honor to inclose to you herewith, in reference to my note to you of yesterday's date, a copy of a communication from the War Department of the 11th instant, directing that Colonel Bee and his colleagues shall be met at Ogden City by two suitable officers of the United States Army from Fort Douglas, who will accompany them to Rock Springs, attend them while there, and return with them to Ogden, so as to afford them every possible assistance and protection while investigating the recent attack upon the Chinese laborers in Wyoming Territory.

Accept, sir, &c.,

T. F. BAYARD.

[Inclosure.—Telegram.]

Adjutant-General Drum to General Schofield.

WAR DEPARTMENT,
 ADJUTANT-GENERAL'S OFFICE,
Washington, September 11, 1885.

The Department of State informs the Secretary of War that the two Chinese consuls and their interpreter at San Francisco will go to Rock Springs to make investigation into the late disturbance. The Secretary of War directs that the consuls shall be met at Ogden by two suitable officers from Fort Douglas, who will accompany them to Rock Springs, attend them while there, and return with them to Ogden, so as to secure the consuls from harm or insult and procure them courtesy and kind treatment while making the investigation and while traveling. You will give the commanding officer at Rock Springs full and explicit instructions, so as to secure safety to the consuls.

R. C. DRUM,
Adjutant-General.

No. 129.

Mr. Cheng Tsao Ju to Mr. Bayard.

CHINESE LEGATION,
Washington, D. C., September 14, 1885. (Received September 14.)

SIR: I have the honor to acknowledge the receipt of your two notes dated respectively the 11th and 12th instants, and desire to express to you my sincere thanks for your courtesy in so promptly securing a military escort for the gentlemen sent by me to investigate the recent riot in Wyoming Territory.

In response to the inquiry in your first note, I would say that the members of the commission leave San Francisco, Cal., to-day, and that they expect to be joined at Ogden by the United States officers so kindly appointed by the War Department for that purpose.

Accept, sir, &c.,

CHENG TSAO JU.

No. 130.

Mr. Porter to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, September 14, 1885.

SIR: I have the honor to inclose herewith, in connection with previous correspondence respecting the proposed investigation into the assault upon the Chinese laborers at Rock Springs, a copy of a letter from the Acting Attorney-General of the 12th instant, saying that the district attorney of Wyoming Territory had been instructed by that Department to do all in his power to assist the proposed investigation and to bring the evil-doers to justice.

Accept, &c.,

JAS. D. PORTER,
Acting Secretary.

[Inclosure.]

Mr. Goode to Mr. Bayard.

DEPARTMENT OF JUSTICE,
Washington, September 12, 1885.

SIR: I have the honor to acknowledge the receipt of your communication of the 11th instant, inclosing letter from the Chinese minister, with reference to a proposed investigation about to be made at Rock Springs, in Wyoming Territory, by the Chinese consuls, of the murderous outbreak upon the Chinese laborers employed in mining in that vicinity.

The district attorney of Wyoming Territory has been instructed by this Department to do all in his power to assist the proposed investigation, and to bring the evil-doers to justice.

Very respectfully,

JOHN GOODE,
Acting Attorney-General.

No. 131.

Mr. Cheng Tsao Ju to Mr. Porter.

CHINESE LEGATION,
Washington, D. C., September 15, 1885. (Received September 16.)

SIR: I have the honor to acknowledge the receipt of your note dated the 14th instant, and its inclosure, informing me that the district attorney of Wyoming Territory had been instructed to do all in his power to assist the proposed investigation by the Chinese commission into the recent riot at Rock Springs, and "to bring the evil-doers to justice."

I beg to state that I have advised the members of the commission by telegraph of the facts kindly furnished.

Tendering to your Department and that of the Attorney-General my thanks for these gratifying efforts in aid of the Chinese commission, I avail myself, &c.

CHENG TSAO JU.

No. 132.

Mr. Porter to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, September 15, 1885.

SIR: I have had the honor to receive your note of the 14th instant, concerning the departure on that date from San Francisco of the members of the commission who are to investigate the recent assault upon the Chinese laborers at Rock Springs, Wyoming Territory, and stating that they expect to meet at Ogden City the military escort appointed by the War Department to attend them. I have had pleasure in communicating a copy of your note to the Secretary of War.

Accept, sir, &c.,

JAS. D. PORTER,
Acting Secretary.

No. 133.

Mr. Porter to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, September 17, 1885.

SIR: I have the honor to apprise you of the receipt of a letter from the War Department, of to-day's date, saying that Col. A. McD. McCook, and Lieut. S. W. Groesbeck, adjutant of the Sixth United States Infantry, met Colonel Bee and his colleagues yesterday, the 16th instant, at Ogden City, Utah, and left with them for Rock Springs, Wyoming Territory, to investigate the recent assault upon the Chinese laborers in that vicinity.

Accept, sir, &c.,

JAS. D. PORTER,
Acting Secretary.

No. 134.

Mr. Cheng Tsao Ju to Mr. Porter.

CHINESE LEGATION,
Washington, D. C., September 17, 1885. (Received September 18.)

SIR: I have the honor to acknowledge the receipt of your note of to-day's date, kindly informing me that the two United States officers directed by the War Department to escort the members of the Chinese commission to Rock Springs had met the latter at Ogden yesterday, the 16th instant, and had proceeded to Rock Springs with them.

At the same time I take pleasure to inform you that a telegram has just been received from Colonel Bee and his colleagues stating that they had arrived at Rock Springs this morning, escorted by the officers mentioned above.

Accept, sir, &c.,

CHENG TSAO JU.

No. 135.

*Mr. Porter to Mr. Cheng Tsao Ju.*DEPARTMENT OF STATE,
Washington, September 19, 1885.

SIR: I have the honor to acknowledge the receipt of a telegram addressed to yourself on the 17th instant, a copy of which was by your direction left at the Department, in relation to the threats of the Knights of Labor against the Chinese in Wyoming Territory.

I at once communicated copies of this telegram to the Attorney-General and the Secretary of War, for such action as they may deem proper to adopt in order to insure their protection by this Government and to conserve the peace.

Accept, sir, &c.,

JAS. D. PORTER,
Acting Secretary.

No. 136.

*Mr. Porter to Mr. Cheng Tsao Ju.*DEPARTMENT OF STATE,
Washington, September 19, 1885.

SIR: I have the honor to advert to the Department's note to you of the 11th ultimo, and with reference to that portion of it touching the application of the second rule of the Treasury circular, of December 6, 1884, in regard to the issuance by United States consular officers of certificates to Chinese subjects, not laborers, about to return to the United States, and your request for a fixed form of certificate to obviate difficulties experienced in the past, I desire to say that I am informed by recent letter from the Treasury Department that there appears to be no objection to the issuance by the consular officers of this Government of suitable certificates to Chinese persons, other than laborers, who, under the provisions of paragraph 2 of Treasury circular No. 7, dated January 14, 1885, are permitted to land in the United States on the production of any evidence satisfactory to the collector of customs at the port of entry, subject, of course, to the two amendments to that circular mentioned in the Treasury circular, No. 7016, of July 13, 1885, by striking out from paragraph 5 the last sentence commencing with the words "or if there be no such Chinese officer," and by inserting in the first sentence of paragraph 6 the words "at the date of the treaty" after the words "United States." Under these circumstances, therefore, the Treasury Department is of opinion that no particular form of proof is necessary.

That the situation may be the better understood, I have deemed it proper to append hereto copies of the Treasury circulars No. 174, of December 6, 1884, and No. 7, of January 14, 1885; also a copy of No. 7016, dated July 13, 1885, amending the same, all of which have been kindly furnished by the Treasury authorities.

Accept, sir, &c.,

JAS. D. PORTER,
Acting Secretary.

[Inclosure 1.]

CIRCULAR RELATING TO CHINESE PERSONS COMING TO THE UNITED STATES.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 6, 1884.

To Officers of the Customs and others :

To promote uniformity in the admission of Chinese persons of the exempt class, under the act of July 5, 1884, the following rules are prescribed :

(1) Chinese persons, other than laborers, who are now, or who may hereafter be, lawfully within the United States, and who may desire to depart from and return to the United States, may do so on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by a Chinese consular officer stationed within the United States.

Certificates issued under the act of May 6, 1882, and decision 6240, before the passage of said act of 1884, are to be regarded as having the same effect as if said act of 1884 had not been passed.

(2) Chinese subjects, not laborers, desiring to come to the United States from countries other than China, may do so on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by a Chinese diplomatic or consular officer, if there be one at the port of departure, countersigned by a United States consular officer, or, if there be no such Chinese officer stationed at such port, on a like certificate to be issued by a United States consular officer.

(3) The regulations contained in decision 5544, and dated January 23, 1883, relative to the transit of Chinese laborers through the territory of the United States, will be applied to all Chinese persons intending to so go in transit through the United States.

(4) Chinese persons who may be compelled to touch at ports of the United States in transit to foreign countries, may be permitted to land under the regulations of January 23, 1883 (S. 5544), so far as the same may be applicable, such persons to take passage by the next vessel leaving for their destination or the voyage of which may form part of the route necessary to carry them to their destination.

H. McCULLOCH,
Secretary.

[Inclosure 2.]

CIRCULAR—CHINESE PERSONS COMING TO THE UNITED STATES.

OFFICE OF THE SECRETARY, TREASURY DEPARTMENT,
Washington, D. C., January 14, 1885.

To Officers of the Customs and others :

The following regulations relating to the rights of Chinese laborers to enter the United States are deemed to be in accordance with the recent decision of the Supreme Court in the case of Chew Heong, plaintiff in error, *vs.* The United States, and the existing regulations relating to the admission of Chinese persons other than laborers into the United States are restated and modified for your information and government :

(1) Chinese laborers lawfully residing in the United States and who left the United States by sea after the passage of the act of July 5, 1884, are entitled to enter the United States only upon the production of the certificate prescribed in section 4 of that act, or of the certificate prescribed in section 5 of the act of May 6, 1882, in case they depart by land.

(2) The fourth section of the act of May 6, 1882, as amended by the act July 5, 1884, prescribing the certificate which shall be produced by a Chinese laborer as the only evidence permissible to establish his right of re-entry into the United States, is not applicable to Chinese laborers who, residing in this country at the date of the treaty of November 17, 1880, departed by sea before May 6, 1882, and remained out of the United States until after July 5, 1884, and such persons may be permitted to land without any certificate upon production of evidence satisfactory to the collector of such facts.

(3) Chinese laborers residing in this country at the date of the treaty of November 17, 1880, or who shall have come into the same before the expiration of ninety days next after the passage of the act of May 6, 1882, and who left the United States before the passage of the act of July 5, 1884, are entitled to re-enter the United States upon the production of the certificates prescribed by sections 4 and 5 of the act of May 6, 1882. Certificates issued under the act of May 6, 1882, and decision 6240, before the passage of said act of 1884, are to be regarded as having the same effect as if said act of 1884 had not been passed.

(4) Chinese persons other than laborers coming to the United States for the first

time from China can be permitted to enter the United States only upon the production of the certificate prescribed by section 6 of the act of July 5, 1884, such certificate being the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States.

(5) Chinese subjects, not laborers, desiring to come to the United States from countries other than China may do so on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by a Chinese diplomatic or consular officer, if there be one at the port of departure, countersigned by a United States consular officer; *or, if there be no such Chinese officer stationed at such port, on a like certificate to be issued by a United States consular officer.*"

(6) Section 6 of the act of 1884 does not apply to Chinese persons other than laborers lawfully in the United States.† Such persons are, by treaty, entitled "to come and go of their own free will and accord," and when they leave the United States are entitled to re-enter on any evidence satisfactory to the collector that they are not Chinese laborers.

For the convenience of such persons and of the customs officers and others, such persons who may desire to depart from and return to the United States may enter the United States on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by the collector of customs of the port of departure, which certificate may be *prima facie* evidence of a right to enter the United States.

(7) The regulations contained in decision 5544, and dated January 23, 1883, relative to the transit of Chinese laborers through the territory of the United States, will be applied to all Chinese persons intending to so go in transit through the United States.

(8) Chinese persons who may be compelled to touch at the ports of the United States in transit to foreign countries, may be permitted to land under the regulations of January 23, 1883 (S., 5544), so far as the same may be applicable, such persons to take passage by the next vessel leaving for their destination or the voyage of which may form part of the route necessary to carry them to their destination.

H. McCULLOCH,
Secretary.

[Inclosure 3.]

CIRCULAR RELATING TO CHINESE PERSONS COMING TO THE UNITED STATES.

TREASURY DEPARTMENT, *July 13, 1885.*

COLLECTOR OF CUSTOMS, *San Francisco, Cal.:*

SIR: Referring to your communication of the 3d ultimo, relative to the regulations concerning Chinese persons coming to the United States, I inclose herewith a copy of an opinion obtained, under date of the 6th instant, from the Solicitor of the Treasury upon the subject.

You will perceive that most of the provisions of the regulations as restated and modified by circular No. 7, of the 14th of January last, are found to be fully in accordance with the law as expounded by the United States courts and the Attorney-General, and that the circular requires in two particulars only amendment (as indicated in red ink on a copy of the circular, also herewith inclosed), by striking out from paragraph 5 the last sentence, commencing with the words "or if there be no such Chinese officer," and by inserting in the first sentence of paragraph 6 the words "at the date of the treaty" after the words "United States."

You will consider the circular as amended in the particulars mentioned.

Very respectfully,

C. S. FAIRCHILD,
Acting Secretary.

No. 137.

Mr. Cheng Tsao Ju to Mr. Bayard.

CHINESE LEGATION,

Washington, D. C., October 17, 1885. (Received October 17.)

SIR: I have the honor to inform you that in a recent communication from Mr. Owyang Ming, Chinese consul-general at San Francisco, I am informed that three Chinese residents at Seattle, Washington Territory,

* Words in italics are to be omitted.

† Insert the words "at the date of the treaty".

were, in the night of the 7th ultimo, killed, and three wounded, by citizens there; that in the night of the 24th ultimo the citizens of that vicinity burnt down all the residences of Chinese miners there; and that the Chinese merchants in Washington Territory called the consul-general's special attention to the fact that proclamations, as result of the anti-Chinese meeting lately held at Seattle, were published in the local papers, demanding the departure of all Chinese persons from the Territory before the 1st of November, 1885, and intimating that force would be applied if this demand should fail to take effect. Resolutions were also agreed to by the meeting, calling upon all citizens to aid in the work. Apprehending the imminent danger of the Chinese subjects, the consul-general, through Col. Frederick A. Bee, Chinese consul at San Francisco, requested the governor of Washington Territory by telegraph to extend his protection over the Chinese residents there.

Since the evil-doers of the Territory have been so violent in their conduct, and now threaten to expel all Chinese persons from the Territory, an outbreak like that at Rock Springs may occur at any moment.

I therefore most respectfully ask that your excellency will request the governor of Washington Territory to use special caution, and to take all necessary steps to avoid such an apprehended occurrence.

Accept, sir, &c.,

CHENG TSAO JU.

No. 138.

Mr. Bayard to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, October 21, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 17th instant, relative to an assault upon Chinese residents of Seattle, Washington Territory, and to the threatened movement against your countrymen having for its object their expulsion from that Territory. In compliance with your request the attention of the governor of Washington Territory has been called to the necessity for measures of protection to the Chinese, so that any contemplated outbreak against them may be averted. The matter has also been laid before the Secretary of the Interior, to the end that every power of law should be lent, through the Territorial officials within his jurisdiction, to secure the Chinese from assaults.

Accept, sir, &c.,

T. F. BAYARD.

No. 139.

Mr. Bayard to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, October 28, 1885.

SIR: With reference to your note of the 17th instant, relative to the threatened assault upon Chinese residents of Washington Territory, and to my reply of the 21st instant, I have now the honor to inform you

that I have just received a telegram from the governor of the Territory reporting that the authorities are able to protect lives and property, and that in the event of any disturbance nineteen-twentieths of the able-bodied men can be depended upon as a *posse comitatus*. Every lawful precaution is being taken to preserve order.

Accept, sir, &c.,

T. F. BAYARD.

No. 140.

Mr. Bayard to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,

Washington, November 2, 1885.

SIR: With reference to your note to this Department of the 7th ultimo, in regard to the assault upon Chinese residents of Seattle, Washington Territory, and the threatened expulsion of Chinese from that Territory, and to my reply of the 28th ultimo, I have now the honor to inform you that Governor Watson Squire reports that the persons accused of killing the Chinese are now in jail under indictment and awaiting trial for murder in the first degree. The governor, reports, further that a better feeling in the direction of peace and order already prevails, and that a strong organization of the better class of citizens has arrayed itself under the law, for concerted action to prevent any outbreak against the Chinese. He is satisfied of the ability of the civil authorities to maintain order, but at the same time is fully prepared to notify the President by telegraph in case it shall be necessary to call out the military force at Vancouver Barracks, within a few hours' journey from the disturbed locality.

Accept, sir, &c.,

T. F. BAYARD.

No. 141.

Mr. Cheng Tsao Ju to Mr. Bayard.

CHINESE LEGATION,

Washington, D. C., November 4, 1885. (Received November 4.)

SIR: I have the honor to acknowledge the receipt of your note, dated the 2d instant, kindly furnishing me with an account of the report of Governor Watson Squire, of Washington Territory, in regard to the persons accused of killing certain Chinese residents in Seattle, Wash., and to the precautions taken to prevent an outbreak against the Chinese.

I beg to express to you, Mr. Secretary, my thanks for your courtesy.

Accept, sir, &c.,

CHENG TSAO JU.

No. 142.

*Mr. Cheng Tsao Ju to Mr. Bayard.*CHINESE LEGATION,
Washington, D. C., November 5, 1885.

SIR: I have the honor to inform you that I received last evening from Mr. Owyang Ming, Chinese consul-general at San Francisco, a telegram as follows:

Several hundred Chinese driven from Tacoma, Washington Territory, yesterday, are now in woods without shelter or food. Merchants given until to-day to pack their goods and leave. No effort made by the governor or authorities to protect them. Prompt action must be taken, or the same outrage will be enacted all over the Territory.

The Chinese laborers mentioned above were residents in the United States on the 17th day of November, 1880, or before the expiration of ninety days after the passage of the act of May 6, 1882, while the merchants are among the classes entitled to come and go to the United States of their own free will and accord.

In circumstances like these, when these people have been so suddenly and unreasonably expelled from their occupations and homes, their lives and property are in imminent danger. I therefore feel compelled to request that immediate and earnest efforts may be taken to secure for them due protection, in order to restore to them the rights and privileges granted by the treaty made between China and the United States.

I do not entertain the least doubt that your excellency will kindly adopt measures to enable them to return in safety to Tacoma, where they may resume their usual occupations.

I beg to state, further, that I have received a second telegram from our consul-general at San Francisco, which reads as follows:

Just received the following telegram from Seattle, Washington Territory:

"Chinese residents of Tacoma forcibly driven out yesterday. From two to three hundred Chinese now in Seattle in imminent danger. Local authorities willing, but not strong enough to protect us. We ask you to secure protection for us.

"WAH CHANG & CO."

Immediate action necessary.

I would respectfully call your attention to this matter also.

Accept, sir, &c.,

CHENG TSAO JU.

No. 143.

*Mr. Bayard to Mr. Cheng Tsao Ju.*DEPARTMENT OF STATE,
Washington, November 5, 1885.

SIR: I have the honor to acknowledge the receipt of your note, of this date, in regard to an outrage stated to have been perpetrated upon Chinese subjects in Washington Territory, and to say that I have referred the case to the Secretary of the Interior, under whose authority the Territories are placed by law.

Accept, sir, &c.,

T. F. BAYARD.

No. 144.

Mr. Cheng Tsao Ju to Mr. Bayard.

CHINESE LEGATION,

Washington, D. C., November 7, 1885. (Received November 7.)

SIR: Thanking you for the kind attention which you have already given to the disturbances at Tacoma and Seattle, in Washington Territory, I have the honor to submit to you for your consideration another dispatch (herewith inclosed) received last night from the Chinese consul-general at San Francisco.

Accept, sir, &c.,

CHENG TSAO JU.

[Inclosure—Telegram.]

SAN FRANCISCO, CAL., *November 6, 1885—9.04 p. m.*

His Excellency CHENG,

Chinese Legation, Washington, D. C.:

Telegrams this day from Washington Territory show that outrages are still going. Last night all Chinese driven from Puyallup, and matters hourly getting worse. No troops sent. The Chinese ordered to leave Seattle to-day. Strong appeals for protection received here hourly. The mayor of Seattle asked governor for troops on the 4th, but refused.

OWYANG MING.

No. 145.

Mr. Bayard to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,

Washington, November 7, 1885.

SIR: I have the honor to inform you that prior to the receipt of your note of to-day, relative to the hostile movement against the Chinese residents of Washington Territory, the President had issued his proclamation making provision for their protection, and that the Secretary of War instructed the commandant of the troops at Fort Vancouver, by telegraph yesterday, to use every effort with the aid of the military to preserve order.

Accept, sir, &c.,

T. F. BAYARD.

[Inclosure.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is represented to me by the governor of the Territory of Washington that domestic violence exists within the said Territory, and that by reason of unlawful obstructions and combinations, and the assemblage of evil disposed persons, it has become impracticable to enforce by the ordinary course of judicial proceedings the laws of the United States at Seattle, and at other points and places within said Territory, whereby life and property are there threatened and endangered; and

Whereas the legislature of said Territory cannot be convened, and in the judgment of the President an emergency has arisen, and a case is now presented, which justifies

and requires, and under the Constitution and laws of the United States, the employment of military force to suppress domestic violence and enforce the faithful execution of the laws of the United States if the command and warning of this proclamation be disobeyed and disregarded:

Now, therefore, I, Grover Cleveland, President of the United States of America, do hereby command and warn all insurgents and all persons who have assembled at any point within the said Territory of Washington for the unlawful purposes aforesaid, to desist therefrom, and to disperse and retire peaceably to their respective abodes on or before twelve o'clock meridian on the 8th day of November instant.

And I do admonish all good citizens of the United States, and all persons within the limits and jurisdiction thereof, against aiding, abetting, countenancing, or taking any part in such unlawful acts or assemblages.

In witness whereof I have set my hand and caused the seal of the United States to be hereunto affixed.

Done at the city of Washington, this seventh day of November, in the year of our Lord one thousand eight hundred and eighty-five, and of the Independence of the United States, the one hundred and tenth.

[SEAL.]

GROVER CLEVELAND.

By the President:

T. F. BAYARD, *Secretary of State.*

No. 146.

Mr. Cheng Tsao Ju to Mr. Bayard.

CHINESE LEGATION,

Washington, D. C., November 9, 1885. (Received Nov. 9.)

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, inclosing two copies of the President's proclamation providing for the protection of the Chinese residents of Washington Territory.

I take pleasure in expressing to you, Mr. Secretary, my profound thanks for the prompt efforts of the Government of the United States in suppressing the lawless combinations against the welfare and peace of the Chinese in that Territory.

Accept, sir, &c.,

CHENG TSAO JU.

COLOMBIA.

No. 147.

Mr. Scruggs to Mr. Frelinghuysen.

[Extract.]

No. 180.]

LEGATION OF THE UNITED STATES,

Bogota, December 23, 1884. (Received January 16, 1885.)

SIR: Ever since the Presidential election of last year, this country has been constantly distracted by rumors of contemplated local and general "revolutions." In some of the States, as, for instance, in Panama, there were serious disturbances, even before the inauguration of the new President. But as these soon subsided, hopes began to be entertained that the incoming administration might be peaceable.

But a few weeks after the inauguration, in July last, there was an outbreak in the State of Santander, growing out of a disputed election for governor, in which the federal Government had taken an active part. A compromise was, however, effected whereby an adherent of the Nuñez administration became governor *ad interim*, pending a new election which had been ordered.

A few weeks later a similar quarrel occurred in the State of Cundinamarca, resulting in the massacre of some 80 or 100 persons in the town of Guaduas. But the matter was patched up by a sort of compromise, whereby General Aldana was to remain governor two years longer!

Some ten days ago there was another outbreak, of a still more serious character in Santander. It originated, as did the first, in a quarrel over the local offices, deeply involving the national administration. A pitched battle was fought, in which the insurgents were defeated, but the disaffection continued to spread until it reached the adjoining State of Boyacá, and the latest reports are that there has been a similar uprising in Bolivar and Magdalena.

In consequence of this unsettled state of affairs, the President, on the 18th instant, issued a proclamation declaring Santander, Boyacá, Cundinamarca, and the district of Bolivar and Magdalena bordering on the river Magdalena, in a state of civil war. This proclamation, under existing Colombian laws, is tantamount to a suspension of the privileges of the *habeas corpus*, and to placing the States and districts named under martial law; and it has been followed by the usual military impressments.

It is understood that the main insurgent force, some 4,000 strong, under the command of General Daniel Hernandez, is marching upon Tunja. The Government here has already dispatched all its available force for the same place. So that, in the absence of some possible compromise, a general engagement may be expected very soon.

The National Government is in great straits for money. It has already exhausted its credit with the local banks, and is now levying forced contributions in order to defray its current expenses. Add to this the almost hopelessly bankrupt condition of the exchequer. * * *

Where it will end no one can at present conjecture. But in the present disordered condition of society we may reasonably anticipate the usual disregard of the rights of foreigners on the coast and Isthmus. I would respectfully suggest, therefore, that the presence of an American man-of-war near those localities would probably prevent the necessity for diplomatic reclamations against the Government.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 148.

Mr. Scruggs to Mr. Frelinghuysen.

No. 182.]

LEGATION OF THE UNITED STATES,
Bogota, December 26, 1884. (Received May 11, 1885.)

SIR: A few days since I was waited upon by one Aurelio F. Pinzon, a native and resident of this country, who claimed exemption from the duties of Colombian citizenship, and asked the intervention of this legation for the enforcement of such claim, on the ground that he was a naturalized citizen of the United States. In support of this claim he produced the certificate of naturalization which I here inclose.

In reply to my inquiries, he stated that he had lived in the United States but four years; that he had never made any previous declaration of intention; that he had never been required to prove and that he had never proven by two of its citizens that he had resided five years at least in the United States; that immediately upon obtaining this certificate he returned to Colombia; that he had never been in the United States since, and that he had no present intention of ever returning thither for the purpose of residence. Further inquiries elicited the fact that he paid the clerk of the court a large fee for this bogus certificate, and that he was never before the judge of the court at any time or for any purpose.

I submit this as a fair sample of perhaps not less than fifty cases of like character that have come before me during my official residence abroad.

Our naturalization laws would not be objectionable if they could be honestly administered; and at the time of their adoption, more than three-quarters of a century ago, before our State judiciary had been divested of its independence, their honest administration was possible. But experience has shown how impossible this has become since the local courts, competent to grant certificates of naturalization, have been degraded by a system of State constitutional amendments and local legislation. The judge, clothed with the power to admit aliens to citizenship, ought to be independent. He should hold his position by some more certain tenure than that by election for short terms, by universal suffrage. Besides, since the power of naturalization is, by our Constitution, vested in the national legislature exclusively, the power to admit to citizenship ought to be as exclusively in the national courts. This is of infinitely more practical importance than any fixed term of probationary residence, because it is of little consequence whether that term be long or short, so long as its provisions are habitually disregarded. And they will continue to be so disregarded so long as the judge having jurisdiction holds his position at the caprice of some local political caucus or faction.

The abuses of American citizenship in foreign countries are much more frequent and grave than our people at home have ever realized. It is a very common thing for natives of other countries to maintain a residence in our midst barely long enough to procure certificates of naturalization. They then return to their native country, or take up their abode in some other, with no intention of ever returning to the United States for permanent residence. In this way they enjoy exemption from the ordinary burdens of citizenship in both countries; from those in the country of their residence by reason of their naturalization papers, and from those in the country of their adopted allegiance by reason of their continuous absence. They belong to a class of persons who are the most importunate in their demands for protection by our Government, and usually the first to complain if their demands are not readily complied with. And it sometimes happens that, by misrepresentation and falsehood, they either embroil our Government in difficulty or place it in a wrong position.

I know that it is held by the Department (and justly so) that where by the laws of their native country these persons were never expatriated by being naturalized in the United States, and where they assume duties or perform acts compatible with their original allegiance and incompatible with their acquired citizenship, they must be deemed to have absolved our Government from all obligation to protect them. But this seldom happens, and for obvious reasons. By our treaties with

most European countries, and by the laws of nearly all the Latin American States, expatriation is accomplished whenever naturalization takes place. And since the primary object of these persons is to shirk the duties and responsibilities of citizenship in both countries, they are very careful not to assume duties or perform acts that would imply a purpose to resume their former allegiance. And thus, while living beyond the reach of the authority of our Government, without ever having identified themselves with it and without ever having contributed anything to its support, they successfully invoke its power to shield them from the ordinary duties of citizenship in the country of their residence.

An effective remedy for such abuses is not possible, as I conceive, except by some well-digested scheme of Congressional legislation. There should be some explicit declaration by Congress of the conditions under which citizens of the United States—native born as well as naturalized—shall be deemed to have expatriated themselves;* and when a man in a foreign country demands protection as an American citizen he should be required to produce some better evidence of his nationality than that afforded by the certificate of a petty municipal magistrate who, although he may have common-law jurisdiction, a clerk, and a seal, holds his position by the favor of some ward politician.†

Long experience in the service has impressed me with the paramount importance of both the reforms here suggested; and this conviction, supplemented by a desire to see our Government respected abroad as it deserves, is my only apology for thus intruding the subject upon you.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 149.

Mr. Scruggs to Mr. Frelinghuysen.

[Extract.]

No. 187.]

LEGATION OF THE UNITED STATES,
Bogota, January 11, 1885. (Received May 11.)

SIR: Since the date of my No. 180, of the 23d ultimo, there has been no general engagement between the two hostile armies; and, aside from the capture of Honda by an insurgent force under the command of one Gaitan, and similar raids in other parts of the country, the military situation is not materially changed.

It is understood that Hernandez, the insurgent chief, is still encamped near Tunja, though he has retired from his former position. The main body of the Government troops, under Generals Aldana and Mongan, have been massed at a point some three days' march south of that place near Zapaquera.

Meantime, the raiding party which occupied Honda have sent a detachment down the Magdalena River in two small steamers, which they captured at Carocali. Their destination is not known. They may

* The act of Congress of July 27, 1868, fails to declare how or under what circumstances the "right of expatriation" may be exercised by American citizens, what is essential to its full attainment, or what shall be the evidence of its accomplishment.

† In Michigan, and probably in other States, county courts (since they have common law jurisdiction and a clerk and seal) have admitted aliens to citizenship, and this has been held to be in accord with our naturalization laws. (See case of *Biddle v. Richards*, 1 Cong. Elect. Cases, 407.)

have proceeded to the coast, for the purpose of seizing the custom-houses; or they may aim merely to blockade the river, and thus cut off all communication with the coast. It is only known here that mail communication with the coast has been interrupted. I therefore send this and other dispatches, as also duplicates of my former dispatches (from the 24th to 31st December, inclusive), by a special messenger to the care of the United States consul at Barranquilla.

In anticipation of a possible attempt by the insurgents to seize the custom-houses, the Government has ordered the entire force at Panama (numbering about 500 men under command of General Vela) to Savannah. This will leave that State at the mercy of any revolutionary faction that may arise therein; and, what is more serious, expose the Isthmean transit to constant interruption. I therefore respectfully repeat the suggestion (made in my No. 180) that one of our war vessels be sent thither, and that it remain within easy call of our consul-general there during these public disorders. Its presence would restrain the spirit of lawlessness, and thus save our Government a series of embarrassing questions in the future. * * *

I have, &c.,

WILLIAM L. SCRUGGS.

P. S.—I have just learned, from a source deemed reliable, that the man Gaitan (referred to above) robbed the mails that were coming up the river in the Stevenson Clarke, somewhere below Nare, on the 9th instant. The mails contained the usual packages for the foreign legations here; but none of them were respected by this freebooter, who, it seems, now has undisputed possession of the river between the ports of Baure and Honda, covering a distance of about 400 miles. The overland mail, via Buenaventura, had been likewise cut off by the insurgents. Thus we are completely cut off from all mail or telegraphic communication with the outside world. My latest date from the Department is November the 26th last.

W. L. S.

No. 150.

No. 19.]

Mr. Frelinghuysen to Mr. Scruggs.

DEPARTMENT OF STATE,
Washington, January 20, 1885.

SIR: I have received your No. 180 of the 23d ultimo, in regard to the threatening condition of affairs in Colombia, and to say that agreeably to a previous understanding with the Secretary of the Navy he has caused a vessel of war of the United States to be stationed at Colon and Panama, for the protection of American interests in that quarter. I shall, however, inclose to Mr. Chandler a copy of your dispatch, and as bearing upon the subject to which it relates, I herewith transmit a copy of a telegram of the 18th instant, from the commander of the U. S. S. Alliance at Panama to Mr. Chandler, who has kindly forwarded it hither, saying that a revolution was in progress there.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 19.—Telegram.]

Commander Clark to Mr. Chandler.

PANAMA, January 18, 1885.

Revolution in progress. President of Panama announces his inability to protect the property of Panama Railroad Company. At request of authorities shall land force soon as possible to protect American property in Aspinwall. Will keep you informed of state of affairs. Have put Alliance alongside dock to assist in case demonstration. Please give such instructions you think proper. United States minister Bogota cannot be communicated with; wires cut. Bogota in state of siege.

LEWIS CLARK,
Commander U. S. N., Commanding U. S. S. Alliance.

No. 151.

Mr. Scruggs to Mr. Frelinghuysen.

No. 188.]

LEGATION OF THE UNITED STATES,
 Bogota, January 20, 1885. (Received May 11.)

SIR: There are some features of the present civil war in Colombia as deplorable as they are novel in the history of this country. Heretofore, pending the issue of such commotions, the national post-offices and mails have been held sacred by both parties. Mail communication with the coast and, per consequence, between this capital and foreign countries, have been repeatedly interrupted by reason of the blockade of the river Magdalena; but in no instance now remembered were the mails or post-offices violated or robbed by either of the contending factions.

But the present strife for power has, from the very outset, been characterized by a spirit of lawlessness and savagery that is without precedent. The mails between Bogota and all the interior towns and cities have been robbed systematically by the insurgents, so much so that the general post-office here has been practically closed for a month past, while the mail-boats on the Magdalena have been plundered, the mail-bags opened, all valuables extracted therefrom, and the remainder thrown overboard. All the foreign mails, including those addressed to the different legations here, have met a similar fate. The Government has been, and is still, quite powerless to check these depredations.

Another feature of the present strife is its spirit of extreme vindictiveness. It was inaugurated by a most shameless and cold-blooded massacre of some eighty helpless victims in the town of Guaduas; and similar outrages have been frequent in other parts of the country ever since.

At the present moment, two ex-Presidents and one former minister for foreign affairs of the Republic are hiding away in order to save their lives. The right of private property, and even the sanctity of private dwellings, seem to be wholly disregarded, and what one faction fails to take in the form of forced loans, the other usually takes by force of arms. All the banks, except two, have closed their doors; and the two which still keep open, and continue to meet their obligations, will be forced to close before many days, unless, indeed, affairs should take a different turn.

Up to the present time, owing possibly to the watchfulness and efficiency of the diplomatic corps here, I have not heard of any outrages against the persons of foreign residents. But, taken altogether, this unfortunate country is in a most deplorable condition; worse, perhaps, than it has been at any time since its independence of the Spanish Crown.

I have, &c.,

WILLIAM L. SCRUGGS.

Mr. Scruggs to Mr. Frelinghuysen.

No. 190.]

LEGATION OF THE UNITED STATES,
Bogota, January 30, 1885. (Received May 26.)

SIR: I transmit herewith (in copy and translation) an official publication containing an extract from the Colombian constitution, relative to the question of nationality.

Whilst the Colombian Government thus practically ignores the test of nationality by the nationality of the parent, and adopts that by place of birth, it makes actual domicile the real test of Colombian citizenship. So that, in nearly every instance, a person must reside in the country in order to be a Colombian citizen. This, of course, involves possible conflict with the laws of the United States, and with those of many European countries.

The laws of England, like our own, lay chief stress upon the place of birth; though children born abroad of British parents, are declared by certain imperial acts to be British subjects.

By the laws of France, the father's nationality usually determines, though not absolutely, that of the child.

Our statute of February 10, 1855, formally commits us to this last named test of nationality, with the qualification, however, that the father must have resided in the United States, so that the privilege usually expires with the first generation.

I apprehend, in view of the Colombian fundamental law referred to, that persons born in this country whose fathers were at the time citizens of the United States, have a dual nationality; and that, while in Colombia, their Colombian nationality must prevail.

In accordance with this principle therefore, and until instructed otherwise by the Department, I shall, if applied to, grant passports to such persons; but with the express caution that such passport will not necessarily confer the right to protection by the United States Government, as against that of Colombia, while the holder remains in Colombia.

My British and French colleagues assure me that they will adopt the same course.

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure in No. 190.—Translation.]

Official notice.—Colombian citizens and foreigners.

OFFICE OF FOREIGN RELATIONS,
Bogota, January 15, 1885.

According to the tenor of article 31 of the national constitution, all such persons are Colombians, viz:

(1) Who have been or may be born in the territory of the United States of Colombia, although children of foreign parents transitory sojourners in the same, if they (the children) shall come and settle in the country.

(2) The children of a Colombian father or mother, whether born in the United States of Colombia or not, if, in the latter case, they shall come and settle in the country.

(3) Foreigners who have obtained letters of naturalization.

(4) Persons born in any of the Spanish American Republics, whenever they have settled in the territory of the Union and declared their desire to be Colombians before a competent authority.

As several cases have already occurred of Colombian citizens, merely on account of being sons of foreigners, pretending not to be Colombians, the attention of the public is directed to the national prescripts above set forth.

Notice is likewise given that the issue of passports, whether for the use of Colombians or of foreigners, is a function exclusively pertaining to the constitutional authorities of the Republic.

For the secretary, the chief clerk:

FRANCISCO SANTOS GALVIS.

No. 153.

Mr. Scruggs to Mr. Frelinghuysen.

[Extract.]

No. 194.]

LEGATION OF THE UNITED STATES,
Bogota, February 23, 1885. (Received May 26.)

SIR: Some weeks ago an executive decree was issued levying a war contribution upon certain Colombian citizens named therein, among whom was a Señor Uribe, a wealthy citizen of this city. Upon their refusal to contribute, an order was issued for their arrest, whereupon the minister resident of the Argentine Republic went to Uribe's house and escorted him thence through the public thoroughfare to the apartments of his legation in one of the city hotels.

A second decree was then issued, requiring all hotel-keepers to furnish the Government the names of their guests. The Argentine minister then left the hotel and took up his residence in Uribe's house, giving the owner asylum therein.

The Colombian minister for foreign affairs then addressed each of the foreign representatives here a circular note, a copy and translation of which I inclose.

After an ineffectual effort to induce their Argentine colleague to give up Señor Uribe, each replied to this circular in his own way, all, however, maintaining the entire inviolability of the rights, &c., of legation, while condemning its abuse.

I submit herewith a copy of my own reply. Those of the English, German, Spanish, French, and Chilian representatives were in the same spirit.

The Argentine minister now says Uribe has left his legation, but no one seems to know where he is.

* * * * *

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 1 in No. 194.—Translation.]

Mr. Restrepo to Mr. Scruggs.

DEPARTMENT OF FOREIGN AFFAIRS,
Bogota, February 16, 1885.

MR. MINISTER: Your excellency is aware that the unjustifiable rebellion which has broken out in the Colombian territory, a rebellion which has proclaimed no principle, nor invoked any right, has not urged the executive power into any odious extreme; on the contrary, the executive has been unwilling to avail itself of the tremendous right of war even in the legitimate cases of reprisal for acts of violence, pillage, and

treason with which everybody is acquainted, but has rather limited itself to enforcing the ordinary proceedings of the law, and to decreeing such forced imposts as are necessary to maintain the public armed force, and the progress of the military operations.

The public of this city is every day witness of acts of toleration, of which the like has never been known in any of our previous internal commotions; to such a degree that in the end this magnanimity has come to be mistaken for weakness. My Government, however, has felt little concern at the existence of this error, which it has been at no pains to dissipate; indeed, far from causing any diminution of its authority, which is being daily reestablished wherever it has been momentarily lost, this error is considered by my Government as a title to the highest esteem, both within and without the country. In general the Government pursues only such of its enemies as are under arms, and even so with the sole view of reducing them to obedience and of re-establishing peace and the supremacy of the law.

If, as I flatter myself, your excellency will acknowledge that the course of events has been and is such as I have described, I desire to invoke these antecedents, which of themselves command respect, in order next to make known to your excellency, according to the instructions I have received from the citizen President of the Republic, the manner in which that magistrate and the Government over which he presides understand the immunities of the foreign diplomatic ministers, in regard to the asylum they may possibly feel themselves called upon to grant to individuals hostile to the Government and criminally engaged in the present civil conflict.

The right of self-preservation and of the supreme defense of states is recognized by the most learned publicists as paramount to all other considerations, even to the immunities which are enjoyed by diplomatic agents.

The action of my Government will therefore be guided by that rule, if such occasion, truly and happily very remote, presents itself; but it naturally trusts that the respectable diplomatic body accredited to the Government of the Union, of which your excellency is so distinguished a member, will not lay it under the necessity of claiming the surrender of individuals who have taken refuge in their residences, and of whom the legitimate authority may, for any motive whatever, be in search, as it cannot be supposed that any member of that body, there being no question of defending such refugees from any barbarous maltreatment, will desire to mix himself up in our unhappy domestic conflicts.

For the rest, my Government will recognize to the fullest extent the immunity of your excellency, and that of your family and dependents, as likewise that of your residence, and as far as the abundant resources at its command, both material and moral, will allow, will cause that immunity to be respected at any cost, provided that in so doing no damage or danger accrue to the nation, nor anything tend to destroy the guarantee of the right of equality consigned in the constitution which governs us.

Fortunately your excellency's antecedents, and the great respectability of the Government you so worthily represent, are data which incline the Government to judge that the difficulties it is attempting to prevent are, as I above stated, very remote, and in this belief the present dispatch has no other object than that of calling your excellency's attention, in a friendly manner, to the duties which the executive may find itself called upon to perform, and which it must perforce perform in the civil war the country is witnessing.

I deem it unnecessary to enter into a lengthened discussion of this point of public law on which examples drawn from the history of nations throw so much light, and therefore close the present note with no further addition than the assurance of the distinguished consideration with which I subscribe myself

Your excellency's, &c.,

VICENTE RESTREPO.

[Inclosure 2 in No. 194.]

Mr. Scruggs to Mr. Restrepo.

LEGATION OF THE UNITED STATES,
Bogota, February 21, 1885.

MR. SECRETARY: I have carefully read your excellency's important note, dated the 16th instant, relative to the privileges and immunities of foreign ministers, and as I reply thereto before having had the opportunity to refer it to my Government, I do so upon my own responsibility.

When once received, a public minister is entitled to all the privileges annexed by the law of nations to his public character; and among these, entire and absolute exemption from local jurisdiction. Not only is his person sacred and inviolable, but his movable effects, his servants, and the house in which he lives are likewise exempt from the operation of local law. And to make these exemptions the more complete,

the fiction of extritoriality has been invented, whereby though actually in a foreign country, he is supposed to remain within the territory of his own sovereign.

It follows, then, as a logical sequence, that civil and criminal jurisdiction over those attached to his legation rests with the minister exclusively, to be exercised by him according to the laws, regulations, or instructions of his own Government; and, above all, that his house cannot be invaded by order of either the civil or military authorities of the local Government, no matter how apparent the necessity therefor.

These exemptions and immunities are founded upon mutual utility, growing out of the necessity that a public minister should be entirely independent of the local authority in order to fulfill the duties of his mission; and the very act of sending the minister on the one hand and of receiving him on the other is a tacit compact between the two states that he shall be subject only to the authority of his own nation. These principles seem to me to be too well established and too generally recognized to require discussion, and I shall continue to expect their strict observance by the enlightened Government of your excellency. On the other hand, I as frankly admit that these exemptions can never justify a public minister in converting his legation into an asylum; and that if he should do so, and thereby attempt to shield a citizen of the country to which he is accredited from the operation of a local law, his conduct would be justly offensive and his recall might with reason be asked.

The right of such asylum is not sanctioned by public law; and even in very extreme cases, and when prompted by the humane impulse to save life, its exercise can be justified only by exceptional circumstances, and then only as a temporary expedient.

I am aware that occasions for claiming it have been frequent in the countries of this hemisphere; but it is believed that it has never, in any instance, been granted by a minister of the United States with the approval of his Government.

I improve, &c.,

WILLIAM L. SCRUGGS.

No. 154.

Mr. Frelinghuysen to Mr. Scruggs.

No. 22.]

DEPARTMENT OF STATE,
Washington, February 25, 1885.

SIR: I herewith transmit a copy of a dispatch, No. 122, of January 7 last from the United States consul at Barranquilla, in relation to the revolution then in progress in Colombia, and have to say that while the question of accountability for the spoliation of *insurgents* may remain open, yet there can be no doubt as to the responsibility of the Government *de jure* for all spoliations it may resort to for its own protection.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 22.]

Mr. Dawson to Mr. Davis.

No. 122.]

CONSULATE OF THE UNITED STATES,
Barranquilla, January 7, 1885.

SIR: I beg respectfully to inform you that this country is in a state of revolution, and that the revolutionary forces, under the command of General Ricardo Gaitan, have taken possession of this city. All the steamers on the river have been seized by the revolutionists, and most of them sent back to this port.

One of them, the Trujillo, commanded by Captain Bradford, an American, and owned by citizens of the United States, had the tops taken from her cylinders, 90 miles up the Magdalena, and brought to this port. Four separate mails for Bogota were brought back here. Besides, they were also opened by the revolutionists, and \$70,000 in Government funds and \$40,000 in specie extracted therefrom.

A battle has been fought at Ocano, and about eighty men killed on both sides.

There is no communication between here and Bogota at present, and the telegraph wire between here and Carthagena is reported cut in thirty-five different places.

Yesterday the military authorities here seized the river steamer Roberto Calixto, owned by citizens of the United States in New York, to convey troops to Santa Martha. I protested on behalf of my countrymen, but the colonel in command ordered his soldiers to go aboard, which they did. The value of the steamer was fixed at \$60,000, and her use at \$300 per day.

The Atlas steamer arrived in port this morning, but there is no cargo to go by her.

I most respectfully request that a ship of war may be sent to Sabanilla Bay immediately, in order, in case of necessity, to protect the lives and interests of citizens of the United States.

All the local officers, governor of the province, collector of the port, &c., have been changed by the revolutionists. This city, Carthagena, Savanalaya, and Soledad are proclaimed under martial law.

I have, &c.,

THOMAS M. DAWSON.

No. 155.

Mr. Scruggs to Mr. Frelinghuysen.

No. 195.]

LEGATION OF THE UNITED STATES,

Bogota, March 4, 1885. (Received June 4.)

SIR: Relating to the subject of my No. 190, I inclose copies of a correspondence between the British legation here and the Colombian foreign office. From this it seems the Colombian Government claims as its citizens children born in Chili, but now residing here, whose father was a British-born subject and whose mother was born in Colombia, of British parents.

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 1 in No. 195.]

Mr. St. John to Mr. Restrepo.

BRITISH LEGATION,
Bogota, February 13, 1885.

MR. MINISTER: I have been applied to by a widowed British mother for information as to the nationality of her children while in Colombia, doubts on the subject having arisen in her mind after the publication of a recent Government decree. The circumstances are as follows: The father was a British-born subject; the mother is a Colombian born, of British parents. The children were born in Chili, but now residing in Colombia.

I shall feel obliged if your excellency will favor me with the views of the Colombian Government on the subject, in order that I may inform the parties interested.

I avail myself, &c.,

F. R. ST. JOHN.

[Inclosure 2 in No. 195.—Translation.]

Mr. Restrepo to Mr. St. John.

DEPARTMENT OF FOREIGN AFFAIRS,
Bogota, February 16, 1885.

MR. MINISTER: I have the honor to answer your excellency's esteemed note dated the 13th instant.

As established by the 2d paragraph of the 31st article of the constitution, "the children of a Colombian father or mother, whether born within the territory of the United States of Colombia or not, provided in the latter case they settle in the country, are Colombians." There seems, therefore, to be no doubt that the children of the Colombian mother, who has expressed to your excellency her doubt on the subject, are citizens of this country, provided they are settled in it.

I have, &c.,

VICENTE RESTREPO.

No. 156.

Mr. Scruggs to Mr. Bayard.

No. 200.]

LEGATION OF THE UNITED STATES,
Bogota, April 7, 1885. (Received May 26.)

SIR: On yesterday I sent you a cable dispatch, as follows:

The Colombian Government has declared the ports of Barranquilla and Santa Martha closed, and the vessels occupied by the rebels to be pirates. It desires that the exportation of arms to the Atlantic ports in possession of the rebels be prohibited.

This was sent at the urgent request of the Colombian Government, which had just received intelligence of the occupation of the ports named by the insurgents, and that they likewise had possession (by what means unknown) of one or two sea-going vessels.

I suggested the impracticability of declaring a port blockaded before the Government had the means of enforcing such blockade, and that marine vessels could hardly be considered pirates so long as their papers were regular and they carried their flags authorizedly.

Nevertheless, though concurring in these opinions, the President asked, as a special favor, that I communicate the facts to you; and that I would make known his desire that exportations of arms to the ports named be prohibited.

In the interior, the Government forces have been generally successful; but the Magdalena River, all the river steamers, the two sea-ports named, and possibly other districts on the coast, are still in possession of the insurgents.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 157.

Mr. Scruggs to Mr. Bayard.

[Extract.]

No. 201.]

LEGATION OF THE UNITED STATES,
Bogota, April 16, 1885. (Received May 26.)

SIR: On the 14th instant I sent you a cable dispatch, as follows:

* * * * *

This Government solicits the fulfillment of article 35 of the treaty of 1846 to secure the neutrality and sovereignty of the Isthmus of Panama. It desire that, for that purpose, some land forces be sent to disembark on the Isthmus.

This was sent in accordance with the request contained in the note of that date addressed to me by the Colombian minister for foreign affairs, a copy of which, with translation, I inclose. I also inclose a copy of my reply to the minister's note.

I have, &c.,

WILLIAM L. SCRUGGS.

14 FOR

[Inclosure 1 in No. 201.—Translation.]

Mr. Restrepo to Mr. Scruggs.

UNITED STATES OF COLOMBIA,
DEPARTMENT OF FOREIGN AFFAIRS,
Bogota, April 14, 1885.

Mr. MINISTER: I have received an order from the President of the Republic to manifest to your excellency that the State of Panama is in a perilous situation, viewed with reference to the preservation of order, as well exterior as interior, a situation which threatens the sovereignty of Colombia over that territory, since we find it impossible to send military forces thither with the necessary rapidity; and that the time has arrived for soliciting the intervention of the Government which your excellency worthily represents in accordance with article 35 of the treaty of December 12, 1846, to the end that pending the arrival there of the national troops said Government will undertake to maintain harmless the rights and authority of the Colombian Government in the State of Panama.

In the hope that your excellency will have the goodness to address the Government of the United States upon the subject of this note by the line of telegraph via Buenaventura, now in working order,

I gladly improve, &c.,

VICENTE RESTREPO.

[Inclosure 2 in No. 201.]

Mr. Scruggs to Mr. Restrepo.

[Extract.]

UNITED STATES LEGATION,
Bogota, April 15, 1885.

Mr. SECRETARY: In accordance with the request contained in your excellency's courteous note of yesterday, I have transmitted to my Government a cable dispatch, whereof the following is a copy:

* * * * *

I shall, immediately upon its receipt, communicate the response to your excellency. Hoping the present disorders on the Isthmus may be of short duration, and that Colombia's sovereignty thereon may not be involved,

I have, &c.,

WILLIAM L. SCRUGGS.

No. 158.

Mr. Bayard to Mr. Scruggs.

No. 34.]

DEPARTMENT OF STATE,
Washington, May 15, 1885.

SIR: I have received your No. 187, of January 11 last, in regard to the public disorder in Colombia, and in which you suggest that a vessel of war of the United States be sent to Panama within easy call of the consul-general there in case of emergency.

Later events have (as you will have learned before this instruction reaches you) required the presence of most of the available vessels of the Home Atlantic and Pacific squadrons in Colombian waters. I am happy to express the Department's pleasure at seeing that communication in that quarter is reopened.

I am, &c.,

T. F. BAYARD.

No. 159.

Mr. Bayard to Mr. Scruggs.

[Extract.]

No. 36.]

DEPARTMENT OF STATE,
Washington, May 16, 1885.

SIR: I have to acknowledge the receipt of your No. 182, of December 26 last, touching the abuses of American citizenship, and in which you cite the case of Aurelio F. Pinzon, a native and resident of Colombia, who claims to be a naturalized citizen of the United States, and as such has appealed to you for protection.

On Mr. Pinzon's own statement the Government of the United States is under no obligation to protect him as against the country of his original allegiance, his certificate of naturalization having been admittedly obtained in fraud of the United States statutes.

* * * * *

I am, &c.,

T. F. BAYARD.

No. 160.

Mr. Bayard to Mr. Scruggs.

No. 37.]

DEPARTMENT OF STATE,
Washington, May 19, 1885.

SIR: I herewith inclose copies of reports from the law officer of the Department, No. 34, April 21, 1885, and 57, of May 18, 1885, in regard to the seizure of the boats of the United Magdalena Steam Navigation Company by armed forces in the United States of Colombia. I add in this connection a copy of a telegram to the Department, of the 16th instant, from the president and secretary of the company at New York, and a copy of a letter of the 18th instant from the attorney of the company at this capital. The two letters of Mr. Hood, of April 14, 1885, and May 11, 1885, with their accompaniments, have been sent to the Secretary of the Navy in original, and their return requested when he shall have made such use of them as he shall deem necessary in connection with the Department's recommendation, following the second suggestion of report No. 57, that proper instructions be immediately issued to the commander of the naval authorities in Colombia for the recapture, when on the high seas, by any force the United States may be able to use for that purpose, of the vessels of the Magdalena Steam Navigation Company thus unlawfully seized and possessed by the insurgents.

Upon the return of Mr. Hood's letters of April 14 and May 11 last to this Department, copies of the same will be at once made and forwarded to you to complete the record in this case.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 37.]

No. 34.]

DEPARTMENT OF STATE, LAW BUREAU,
Washington, D. C., April 21, 1885.

SIR: In reference to the annexed papers, I beg leave to report as follows:

(1) When vessels belonging to citizens of the United States have been seized and are now navigated on the high seas by persons not representing any Government or belligerent power recognized by the United States, such vessels may be captured and rescued by their owners, or by United States cruisers acting for such owners; and all force which is necessary for such purpose may be used to make the capture effectual.

(2) The Government of the United States of Colombia is liable not only for an injury done by it or with its permission to citizens of the United States or their property, but for any such injury which by the exercise of reasonable care it could have averted; and it is also liable for damages done to such vessels when by reasonable care it could have averted such damage.

Respectfully submitted.

FRANCIS WHARTON,
Solicitor.

[Inclosure 2 in No. 37.]

No. 57.]

DEPARTMENT OF STATE, LAW BUREAU,
Washington, D. C., May 18, 1885.

SIR: In my report of April 21, 1885, I stated as follows:

(1) When vessels belonging to citizens of the United States have been seized and are now navigated on the high seas by persons not representing any Government or belligerent power recognized by the United States, such vessels may be captured and rescued by their owners, or by United States cruisers acting for such owners; and all force which is necessary for such purpose may be used to make the capture effectual.

(2) The Government of the United States of Colombia is liable not only for any injury done by it or with its permission to citizens of the United States or their property, but for any such injury which by the exercise of reasonable care it could have averted, and it is also liable for damages done to such vessels when by reasonable care it could have averted such damage.

This report was approved by the Secretary, and the company was duly informed thereof May 16, 1885. I have now before me, under date of May 18, instant, a second application from the company, stating the unlawful seizure of two additional vessels by the insurgents by whom the seizure noticed in the prior report was made. I beg now to report that on this state of facts these steamers may be retaken by United States men-of-war and restored to their owners on the same principles as sustained the conclusion given to this effect in my prior report. Under all the circumstances of the case I now respectfully submit that the following directions be given by the Secretary:

First. That an instruction be sent to the United States minister at Bogata containing this and the prior report above mentioned.

Second. That the papers in this case be immediately forwarded to the Secretary of the Navy, with the request that the vessels thus unlawfully seized and now possessed by the insurgents be retaken when on the high seas by any force the United States may be able to use for that purpose.

In closing this report I beg to call attention to the following paragraph at the end of the recent dispatch from this Department as to the status on the high seas of vessels owned by the insurgents in question:

"Secondly. The Government of the United States cannot regard as piratical vessels manned by parties in arms against the Government of the United States of Colombia, when such vessels are passing to and from ports held by such insurgents, or even when attacking ports in the possession of the National Government. In the late civil war the United States at an early period of the struggle surrendered the position that those manning the Confederate cruisers were pirates under international law. The United States of Colombia cannot, sooner or later, do otherwise than accept the same view. But, however this may be, no neutral power can acquiesce in the position now taken by the Colombian Government. Whatever may be the demerits of the vessels in the power of the insurgents, or whatever may be the status of those manning them under the municipal law of Colombia, if they be brought by the act of the National Government within the operation of that law, there can be no question that such vessels, when engaged as above stated, are not, by the law of nations, *pirates*; nor can they be regarded as pirates by the United States."

It will be seen, therefore, that the crews manning these vessels cannot be regarded by this Government as pirates. But while this is the case, and while it may be conceded that vessels seized by them on the high seas are seized under claim of right,

yet, vessels belonging to citizens of the United States so seized by them may be rescued by our cruisers acting for the owners of such vessels in the same way that we could reclaim vessels derelict on the high seas.

Respectfully submitted.

FRANCIS WHARTON,
Solicitor.

[Inclosure 3 in No. 37.]

Mr. Hoes to Mr. Bayard.

UNITED MAGDALENA STEAM NAVIGATION COMPANY,
New York, May 16, 1885.

SIR: I beg leave to inclose you a press copy of a telegram which has been sent to you by the United Magdalena Steam Navigation Company after a special meeting of its board of directors, held this day, to consider the very important matters referred to in our telegram.

Our information in regard to the taking out to sea by General Gaitan of the boats of this company, which are American property, was received through Señor Becerra, minister resident at Washington of the United States of Colombia.

You will appreciate, no doubt, the very great urgency that now exists, as we believe, for your immediate action, together with that of the naval or other Departments of our Government, in the recovery by the Government of the property taken from us in violation of treaty and law.

We may have the honor, through a committee, of waiting upon you personally on Monday next; meanwhile, we respectfully urge the importance of these matters.

Respectfully,

WM. M. HOES,
Attorney of United Magdalena Steam Navigation Company.

[Inclosure in inclosure 3 in No. 37.]

The United Magdalena Steam Navigation Company to Mr. Bayard.

[Telegram.]

MAY 16, 1885.

This company, on February 28 last, an American corporation owning steamboats upon the Magdalena River, United States of Colombia, which were seized for hostile use, requested your predecessor to protect and preserve its property.

On April 14 last we filed with you an additional statement of further seizure and damage to our property and business, calling your attention to pending treaty between this Government and that of New Granada (now United States of Colombia), invoking your active aid and intervention, and urging that our property and rights be fully protected by this Government. Further details of outrages were filed with you 11th instant.

To-day we are informed that the revolutionary General Gaitan has taken our steamers from Baranquilla out to sea.

We respectfully urge and request that this Government recapture our vessels so seized, being the property of an American corporation.

THE UNITED MAGDALENA STEAM NAVIGATION COMPANY,
T. PARRAGA,
President.
H. B. PATTESON,
Secretary.

[Inclosure 4 in No. 37.]

Mr. Hood to Mr. Bayard.

WASHINGTON, D. C., May 18, 1885.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th inst., advising me in reference to my communications of April 14 and May 11 inst., that—

“When vessels belonging to citizens of the United States have been seized, and are navigating on the high seas by persons not representing any government or belligerent power recognized by the United States, such vessels may be captured and rescued by their owners, or by United States cruisers, acting for such owners, and all

force which is necessary for such purpose may be used to make the capture effectual."

On the day your said letter was written our company received information and advised you by telegraph from New York, among other things, that the revolutionary General Gaitan had taken our steamers from Barranquilla out to sea, and it respectfully urged and requested that this Government recapture our vessels so seized, being the property of an American corporation.

In view of the facts already presented to the Department as to the seizure of the vessels of the company, at or near Barranquilla, on the Magdalena River, and that now some of those vessels (which are light-draught river steamers and not adapted to ocean navigation) have been actually taken out to sea, where they are liable to destruction; and in view also of the loss and damage which the company has sustained and continues to sustain by such seizure and taking to sea, I respectfully petition and urge, as coming within the principles laid down in your letter, that the power of our Government, acting for this company as the owners of the vessels so seized, may be used at once to rescue said vessels and return them to their owners.

Mr. William M. Hoes, the attorney of the company in New York and one of its directors, who accompanied me in a personal interview with you this morning, joins me in this petition in behalf of said company.

Very respectfully, &c.,

JAS. F. HOOD,
For said Company.

No. 161.

Mr. Bayard to Mr. Scruggs.

No. 48.]

DEPARTMENT OF STATE,
Washington, June 16, 1885.

SIR: Your dispatch, No. 194, of the 23d of February last is received, and your reply of the 21st February to the minister of foreign affairs on the subject of rights of legations is noticed, inasmuch as in it you take up certain positions which this Department cannot maintain or approve.

It appears that the correspondence between yourself and the Colombian foreign office arose from the refusal of a certain Señor Uribe, a wealthy Colombian citizen, to pay his war contributions, which led to an order for his arrest, and then to his being rescued and concealed by the minister of the Argentine Republic under the assumed right of asylum of his legation. This right the Colombian authorities appear to have respected; but the minister of foreign affairs addressed a circular note, a copy of which you inclose, to the representatives of foreign powers, protesting against the right of asylum of foreign legations for the enemies of the Republic, and intimating that, in spite of past toleration of it, the Government might feel itself under the necessity of claiming the surrender of individuals who had taken refuge in the residences of ministers, and "of whom the legitimate authority may for any motive whatever be in search."

In reply to this you inform the minister of foreign affairs, as you state, "upon your own responsibility before having had the opportunity to refer it to your Government," that a public minister "is entitled to all the privileges annexed by the law of nations to his public character, and among these entire and absolute exemption from local jurisdiction; also that civil and criminal jurisdiction over those attached to his legation rests with the minister exclusively, to be exercised by him according to the laws, regulations, and instructions of his own Government, and above all that his house cannot be invaded by order of either the civil or military authorities of the local government, no matter how apparent the necessity therefor."

These remarks at any time would require to be materially qualified, and you will see by the inclosed extract from the new diplomatic instruc-

tions, a complete copy of which will soon be sent you, what the views of this Department are as regards the so-called extraterritorial questions for the guidance of our diplomatic representatives abroad. It is generally safer when a minister receives such a communication as Señor Restrepo addressed to you not to make it the occasion of arguments, or of statements which might be construed as committing the Government, but to acknowledge it and refer it home for instructions.

As regards the right of asylum, which was the immediate occasion of the correspondence in question, the new instructions do not permit it for persons outside of the agent's diplomatic or personal household.

The works on international law do not sustain the unqualified right of asylum, and the Spanish law forbids it altogether. There are several cases cited in the law books where the necessity of claiming the surrender of individuals who have taken refuge in a minister's residence has been enforced and admitted by other nations.

In 1726 the Duke of Ripperda, minister of Philip II, took refuge in the hotel of the British ambassador at Madrid, but under the opinion of the council of Castile was taken by force from the ambassador's hotel, and Great Britain did not claim the right of her ambassador to retain the refugee.

In 1747 a Swedish merchant, accused of high treason, took refuge in the hotel of the British ambassador at Stockholm, but the ambassador was finally obliged to yield to military force and to surrender the refugee. This event led at the time to a withdrawal of the respective diplomatic agents, but is now admitted, as well as the preceding case, to have been in accordance with the principles of international law.

In the same way the exercise of criminal and civil jurisdiction by a minister is practically a dead custom, and instances of it must be looked for among the *causes célèbres* as relics of an authority which was formerly only exercised by ambassadors as representing the person of the sovereign. For instance, in 1603 the Marquis de Rosny, afterwards Duc de Sully, while French ambassador at London, sentenced a member of his suite to death, and asked the mayor of London to have the sentence executed, but King James I intervened and pardoned the condemned man. Again, in 1657, Queen Christina of Sweden, at Fontainebleau, condemned and caused to be executed the Marquis de Monaldeschi, her *grand écuyer*.

Such were the privileges formerly reserved only to ambassadors, but as since the Congress of Vienna in 1815 the substantial equality of all grades of diplomatic agents is admitted, the accredited public minister of every state, whatever be his designation, enjoys the rights of inviolability and the privileges of extra territoriality with equal certainty and strength, and these powers of life and death, belonging exclusively to ambassadors, have been abandoned. There is, it is true, a function of ministerial and consular extraterritorial jurisdiction attaching to representatives of Christian powers in certain non-Christian countries, as specified in section 4083 and following sections of the Revised Statutes, but that function is derived from treaties *ad hoc*, and is exercised and limited by means of laws passed to carry those treaties into effect. We cannot demand from other governments any more privileges for our diplomatic agents than are accorded by us to their agents here; and the laws of the United States do not confer such jurisdiction as you have claimed on ministers, as a class, in the absence of a right to do so acquired by a treaty, and still less could civil and criminal jurisdiction be exercised by a foreign minister in the United States, as you state, "under the regulations and instructions of his own Government."

In notes 128 and 129 to section 226, Part III, of Wheaton's International Law (Dana's edition, 1866), Mr. Dana discusses the whole subject exhaustively, and very properly remarks that the subject of diplomatic immunity of person and place has been obscured by the use of the phrase "extraterritoriality;" that treating this figure of speech as a fact, and reasoning logically from it, have led to results of an unsatisfactory and not practical character; that the phrase should be treated as a figure of speech and not as a fact from which inferences can be drawn. The whole subject, he says, depends upon the principle—the convenience of nations; nations necessarily agree that the functions of ambassadors must be performed with freedom, and the ultimate test is whether the exercise of the municipal authority in question is an unreasonable interference with that freedom. The Department of State long ago laid down the position of this Government as regards civil or criminal jurisdiction in a letter to Mr. Fay, United States minister at Berne, of the 12th November, 1860; in the above sense and as regards the right of asylum, in an instruction of Mr. Fish to Mr. Bassett, at Hayti, dated 4th of June, 1875. (See Foreign Relations for 1875, p. 701.)

While it may not be necessary to formally modify your note of the 21st February to the minister of foreign affairs unless some difficulty or misunderstanding should arise from it, when the true position of this Government would have to be frankly made known, yet it would be as well for you in conversation with the minister of foreign affairs and with your colleagues to correct any misapprehension that you may discover to exist.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 48.]

Extract from "Personal Instructions to the Diplomatic Agents of the United States in Foreign Countries."

Section 48. In some countries, where frequent insurrections occur and consequent instability of governments exists, the practice of extraterritorial asylum has become so firmly established that it is often invoked by unsuccessful insurgents, and is practically recognized by the local government to the extent even of respecting the premises of a consulate in which such fugitives may take refuge. This Government does not sanction the usage, and enjoins upon its representatives in such countries the avoidance of all pretexts for its exercise. While indisposed to direct its agents to deny temporary shelter to any person whose life may be threatened by mob violence, it deems it proper to instruct its representatives that it will not countenance them in any attempt to knowingly harbor offenders against the laws from the pursuit of the legitimate agents of justice.

No. 162.

Mr. Scruggs to Mr. Bayard.

No. 221.]

LEGATION OF THE UNITED STATES,
Bogota, July 21, 1885. (Received September 15.)

SIR: There have been no important changes in the military situation since the abandonment of the siege of Carthagena. It is believed here that the insurgents are still fortified in Barranquilla. They certainly have possession of the Magdalena River from the Delta to Naré, a distance of nearly 600 miles.

It is true the Government forces hold the canal between Carthagena

and Calamar, and that they have entrenched themselves at the last-named place. Calamar is a town of some 5,000 inhabitants, situated at the junction of the Carthagená Canal and the Magdalena River, 62 miles above Barranquilla. But the river at that point is very wide, and its banks flat and marshy; so that without gunboats or other floating batteries, the national forces, however numerous and well armed, cannot prevent the passage of the rebel steamers.

The Government has infantry forces stationed at different points on the river between Calamar and Naré; and on the 17th ult. a general engagement took place near Humareda, some 16 leagues below Naré. The loss on both sides was considerable, and one of the rebel gunboats was blown up. But it was essentially a drawn battle, without decisive results.

The entire rebel force probably numbers only about 3,500 men, but generally well armed and equipped. All the river steamers except one have been in their possession since December last. The exception referred to is the *Emelia Duran*, a light-draught vessel of less than 150 tons, designed for navigating the Upper Magdalena, between Handa and Ambalema. Some weeks ago she was brought down below the Rapids and armed by the Government for defensive operations on the lower river.

The Government claims to have 12,000 men under arms. Its efficient armed force is about 8,000. These are distributed over different parts of the Republic, its efficient force on the line of the river being about 6,000 men. They are generally well armed and disciplined and commanded by able and experienced officers.

In the interior, off the line of the river, all seems to be quiet. Occasional raiding parties penetrate within a few leagues of the capital and render telegraphic and mail communication with the Pacific coast uncertain. But aside from these predatory excursions the authority of the General Government is not contested.

However, with the great fluvial highway in the possession of the insurgents, Bogota is practically under siege, as it has been since the 25th December last. There is also a factious and insurrectionary spirit among the people in nearly all the interior states. The Government troops have not been paid for nearly two months past, and there is said to be dissatisfaction in consequence. One of the Government generals, Aldana, has retired from the service, and is known to be disaffected. He is at the present time governor of the State of Cundinamarca, and very popular with the masses. So that, unless the insurgents should be dislodged from their stronghold in the Magdalena Valley before the fever season fairly sets in, there may be a second outbreak in the interior and northern States, the end whereof no man can tell.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 163.

Mr. Scruggs to Mr. Bayard.

No. 223.]

LEGATION OF THE UNITED STATES,
Bogota, August 11, 1885. (Received September 15.)

SIR: Since the date of my No. 221, of July 21, we have information of the evacuation of Barranquilla by the insurgents, and of the capture, by the Government forces, of the mulatto assassin and incendi-

ary, Prestan. You have doubtless received all the particulars from our consuls on the coast.

The insurgents still hold the river between Calamar and Naré, and likewise all the river steamers but one. It is believed here that they have landed a force of some 1,500 men at Puerto Naçional, with the intention of marching upon Socorro, the capital of the State of Santander; but as the National Government has about 4,000 troops in that State, this raid will be a failure.

With the exception of two or three recent outbreaks of a feeble character in Cundinamarca, everything continues quiet off the line of the Magdalena.

All business has been practically suspended since the 25th December last, and the financial distress in the interior cities of the Republic is almost unprecedented.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 164.

Mr. Scruggs to Mr. Bayard.

No. 230.]

LEGATION OF THE UNITED STATES,
Bogota, August 29, 1885. (Received October 23.)

SIR: The Government here received intelligence yesterday, by telegraph from Panama via Buenaventura, that the rebel flotilla in the Magdalena River had been captured near Tamalameque, and that the rebel leader, Gaitan, had been wounded and taken prisoner. It received authentic intelligence of the surrender of General Camargo, near Ocaña, some days ago.

In consequence of the reported capture of Gaitan and of all the river steamers under his command, it has been determined to dispatch a mail hence, via Honda, to Barranquilla this evening, and I embrace the opportunity to send this and other dispatches.

It now seems probable that the insurrection will soon be put down, although the country is still in extreme disorder, and the troubles may break out afresh at almost any moment. I shall, however, write you more fully on this subject by the next mail.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 165.

Mr. Scruggs to Mr. Bayard.

No. 232.]

LEGATION OF THE UNITED STATES,
Bogota, September 3, 1885. (Received October 23.)

SIR: I have read with interest and profit your very clear and able instruction No. 48, of June 16th last, which I had the honor to receive on the 24th ultimo.

It relates to the discussion of the rights and privileges of public ministers, and of the pretended right of asylum, reported in my No. 194, of

February 23, 1885; and although the immediate occasion had passed, I felt it to be my duty to make its contents known to the Colombian minister for foreign affairs (and also to some of my colleagues here), which I have done informally, in the course of social conversations.

If there is anything in my note of the 21st of February that can, by any possible construction, make me appear as an apologist (much less an advocate) of the pretended right of asylum, then I was singularly unfortunate; because my chiefest concern was to leave no room for doubt on a point on which the traditions and position of my Government were so uniform and so well known. I aimed to state, with distinctness and emphasis, that when a public minister abuses his high privileges by an attempt to shield a citizen of the Government to which he is accredited from the operation of a local law or decree, his conduct becomes indefensible, and that his recall might, with reason and justice, be asked for and insisted upon in consequence. And I was careful to add that whilst occasions for claiming asylum had been frequent in the countries of this hemisphere, it had never been granted, so far as I could remember, by a minister of the United States, with the approval of his Government.

However, I regret that in my very brief and necessarily imperfect exposition of the logical sequences of the doctrine of extraterritoriality, I was less clear and explicit, and I thank you sincerely for calling my attention to this point. In a time of great public disorder and apprehension, my aim was merely to claim for my colleague and his household absolute exemption from local jurisdiction, as specified by all the standard writers on international law; certainly not to advocate the extension of this exemption to the accidental inmates of his house, and still less to those who had wrongfully sought and obtained asylum therein.

My note was so understood by the Government here, as also by all my colleagues, who, with the exception of the one directly concerned, expressed their unqualified concurrence with the position taken. But when disconnected with the local circumstances which called it forth, I perceive, upon reflection, that it will bear a construction, with respect to the sequences deduced from the fiction of extraterritoriality, that is wholly inconsistent with modern opinion and precedent; and I am glad of the opportunity afforded by your admirable exposition to forestall any possible misapprehension on this point.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 166.

Mr. Scruggs to Mr. Bayard.

[Extract.]

No. 234.]

LEGATION OF THE UNITED STATES,
Bogota, September 17, 1885. (Received October 26.)

SIR: The capture of the rebel flotilla and the opening of the Magdalena River to navigation, as reported in my No. 230, of the 29th August last, is now confirmed by official reports. The report of the capture of Ricardo Gaitan, the "general" in command of the rebel forces on the river, was, however, premature. It was another Gaitan who was captured. Ricardo made his escape, and is now supposed to be somewhere in the State of Antioquia.

With the exception of a few small bands of guerrillas in the remote districts (which are rapidly disappearing) the civil war is considered over for the present. I say "for the present," because there seems to be a very general impression here that we are to have another "revolution" soon. * * * *

I have, &c.,

WILLIAM L. SCRUGGS.

No. 167.

Mr. Scruggs to Mr. Bayard.

No. 239.]

LEGATION OF THE UNITED STATES,
Bogota, October 2, 1885. (Received November 13.)

SIR: I inclose herewith (in copy and translation) an executive decree, No. 636, establishing custom-houses at the ports of Panama and Colon. I also inclose an English translation of article 8 of law 53 of 1884, and of articles 41, 42, 47, and 48 of the fiscal code to which it refers.

Informally I have expressed to Dr. Restrepo, secretary for foreign affairs, my apprehensions that this measure will seriously interfere with the freedom of the isthmian transit; and informally he has expressed to me his concurrence in this opinion, adding that he had been overruled by the President and cabinet.

My British colleague, with whom I have spoken on the subject, entertains the same fears and will write to his Government accordingly.

While thus referring the matter, I shall in all probability, pending the arrival of your instructions, venture on my own responsibility to try to dissuade the President from putting his decree into operation.

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure in No. 239.—Translation.]

DECREE No. 636.

SEPTEMBER 25, 1885.

The President of the United States of Columbia, in execution of article 8 of law 53 of 1884, decrees:

ARTICLE 1. That, in accordance with said law, custom-houses be established in the ports of Panama and Colon, on and after the 1st of December next.

ART. 2. That the import duties collected therein be the same as those collected at the other ports of the Republic, less 40 per cent.

ART. 3. That the regulations common to the customs service in the other ports of the Republic shall govern in said ports. Consequently, that at foreign ports whence merchandise is shipped thither the usual formalities as to manifests and certified invoices as prescribed in articles 41, 42, 47, and 48 of the fiscal code be observed.

Given at Bogota, September 25, 1885.

RAFAEL NUÑEZ.

F. ANGULO,

Secretary of War, in charge of Finance Department.

Article 8 of law 53 of 1884, to which the preceding decree, No. 636, refers.

[Translation.]

ART. 8. The Executive is hereby authorized to establish custom houses in Panama, Colon, Aranca, and Oracué. The personal of the service thereof shall not exceed the salaries paid at the custom-house at Santa Martha.

The duties collected at the new ports named shall be those provided for in the existing tariff laws, less 40 per cent.

The executive decree organizing the customs service at said new ports shall be submitted to the next succeeding session of Congress.

Articles of the Fiscal Code referred to in decree No. 636.

[Translation.]

ART. 41. The captain or supercargo of every vessel loading in a foreign port for the ports of Colombia should present to the Colombian consul therein a manifest signed in triplicate setting forth—

- (1) The name, class, nationality, and tonnage of the vessel.
- (2) The ports of her departure and of her destination.
- (3) The name of the shipper or consignor, and also that of the consignee.
- (4) The marks and number of each package, and also the gross weight of each.
- (5) The number of packages or parcels in each cargo, and of those destined for each particular port.

ART. 42. Every person wishing to ship merchandise to any of the Colombian ports should present to the Colombian consul in the port of embarkation an invoice in triplicate showing:

- (1) The name of the shipper, the place whence shipment is made, the name of the consignee, the port of destination, and also the name of the vessel.
- (2) The marks, number, description, contents, and gross weight of each package or parcel.
- (3) The aggregate value of the list of articles named in the invoice, without, however, the necessity of specifying the precise value of each separate article.

ART. 47. The consul will make note of all manifests in a register kept by him for that purpose; he will compare these with the invoice presented, and, after satisfying himself as far as possible of their correctness, will certify thereto at the foot of each copy; he will return one copy to each of the parties interested, for presentation at the respective custom-houses.

ART. 48. The consul will transmit, under seal, by the same vessel, one copy each of the manifest and invoice to the customs collector at the port of destination, together with such other advices as he may deem necessary to the prevention of frauds.

No. 168.

Mr. Scruggs to Mr. Bayard.

No. 240.]

LEGATION OF THE UNITED STATES,
Bogota, October 3, 1885. (Received November 13.)

SIR: Mr. Consul Dawson, of Barranquilla, informs me that during the suspension of mail communication between Bogota and the coast, he transmitted to the Department a copy and translation of the executive decree No. 173, of the 10th of February last, which somehow got through the lines. It levies a fine of 50 per cent. on all consignees of merchandise who may have paid import duties thereon to the rebel authorities and may afterwards refuse to pay duty on the same goods to the Government. I infer from Mr. Dawson's letter that some correspondence has passed between you and the Colombian minister in Washington on this subject, but he probably was not acquainted with its contents, or else assumed that I was already familiar with them, and the Government here informs me that it has had nothing from Dr. Becerra on the subject.

On the 19th instant an order was issued by the secretary of finance enforcing the decree of February last and specifying certain firms to be proceeded against without delay.

In the absence of instruction on the subject, I feel it to be my duty to remonstrate against this proceeding. In the course of my interview I told the minister for foreign affairs that, in my opinion, the principles involved in that decree would never be acquiesced in by foreign Governments whose citizens or subjects might suffer from it, and that I should write to the United States consul at Barranquilla to advise American consignees to allow their goods to be sold by order of the Government rather than pay the fines imposed.

In reply the secretary intimated that the decree was never intended to be enforced against neutral foreigners, and asked me to point out the names of any American citizen on the list.

Of course there are no American names on the list, and I suggested that some of the native firms might be merely consignees of American manufacturers and merchants, and that to avoid complications it might be well to so modify the decree as to exempt all foreign interests. He then asked me to embody my objections to the decree in such a written memorandum as might be used by him at the next regular Cabinet meeting, which I did, as per copy herewith submitted.

Thus the matter stands for the present. The decree has not yet been revoked, nor has it been enforced, and I have every reason to believe it will not be enforced against American consignees.

I have, &c.,

WILLIAM L. SCRUGGS.

P. S.—The minister for foreign affairs sends me a private note, just as the mail is closing, to assure me that the decree referred to will be revoked.

W. L. S.

[Inclosure in No. 240.]

MEMORANDUM.

The decree No. 173 (February 10, 1885) involves principles which it is believed foreign Governments represented in Colombia will never accede to; because—

(1) While it may be a question how far a Government is responsible for acts of insurgents, there is no question that it is bound to use all possible means to protect resident citizens of foreign Governments against such acts. How, then, can Colombia, in justice to such denizens or to the Governments whose citizens they are, take advantage of her failure to so protect them by imposing upon them penalties based on the very acts she was bound to prevent? The persons thus doubly taxed were compelled by superior force to submit to the alternative of paying import duties to the authorities in actual possession of the custom-houses or of the complete loss of their property. Suppose they had adopted the latter instead of the former alternative; would it be pretended, in such case, that they ought to be taxed because the Government allowed them to be robbed? And the principle in both cases is the same.

(2) Again, to enforce the decree would be to assume retroactive jurisdiction over a port confessedly not within the control of the Government; and if this power be claimed in virtue of the fact that, by an earlier decree, the port was declared closed, the reply is that such a "paper blockade" is neither legal nor obligatory, as demonstrated in Mr. Bayard's note to Dr. Becerra of April 24 last, a copy of which is herewith submitted.

In accord, therefore, with this position, I have upon my own responsibility (in advance of instructions from my Government on the subject) written to the United States consul at Barranquilla to advise American citizens to refuse to pay the fines indicated; but rather to allow their goods to be sold by order of the Government, should extreme measures be resorted to.

W. L. S.

BOGOTA, October 1, 1885.

No. 169.

Mr. Scruggs to Mr. Bayard.

No. 241.]

LEGATION OF THE UNITED STATES,
Bogota, October 3, 1885. (Received November 13.)

SIR: You have doubtless learned from other sources that Prestan did not take refuge in Jamaica, as was at one time believed here; but that he was captured near Barranquilla by Government forces, whence he was sent to Colon, tried by a military commission, and hanged near the scene of his crimes. It was a fitting end of him.

Aizpuru, who is perhaps very little less criminal, is still in prison here. He will, in all probability, be banished from the country, though it is still uncertain whether he will not hang.

Gaitan, "the river pirate," was captured some days ago in the Carare (a tributary of the Magdalena), and is now in prison in Zipaquera. He will be tried by a military commission, and, in all probability, banished.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 170.

Mr. Bayard to Mr. Jacob.

No. 2.]

DEPARTMENT OF STATE,
Washington, November 3, 1885.

SIR: One of the first questions to be treated by you on your arrival at your post, is the recent action of the Colombian Government in imposing, under the fifty-third law of 1884, customs duties upon imports into the territory covered by the Panama transit, and especially into the cities of Colon (Aspinwall) and Panama, from the 1st of December next.

For your information I annex copy of the proclamation of President Nuñez, of September 25, 1885, establishing the collection of duties as aforesaid, and also copy of a dispatch on the subject which has been received from Consul-General Adamson, No. 187, of October 10, 1885, with its inclosed article clipped from the Panama Star and Herald of October 10. This article presents in quite temperate language the objections to the proposed measure, as affecting the interests of the Isthmus which have grown up under the long régime of free trade there. With this we have little or nothing to do, although in view of the intimacy of our trade relations with the Isthmus, and the large investments of our citizens in business there, it may be proper to express doubts as to the wisdom of a measure which can only affect disastrously the prosperity of that district.

The thirty-fifth article of the treaty of 1846 between the United States and New Granada gives us, however, the right to call attention to the possible results of this measure, as affecting the unimpeded use of the Isthmian transit. The whole tenor of that article is that nothing shall be allowed to hinder the free transit of persons and goods passing over the Isthmus, from ocean to ocean, to countries beyond. It is stipulated that there shall be franchise of duties as to all merchandise so

crossing, either by actual omission to collect the duties or by a drawback on re-exportation.

The original establishment of a free zone, embracing the ports of Colon and Panama and the transit route, was intended to accomplish the twofold object of developing the interests of the Isthmus and of leaving the transit absolutely free from any obstructive formality, such as the entrance into and exit from a customs *cordon* would almost necessarily involve.

It may be that the practical wisdom and foresight of the Colombian Government may successfully contrive and apply a revenue system at either end of the transit in such wise as to bear only on imports into Colombian territory without in any manner obstructing or delaying the guaranteed uninterrupted through transit. The complex formalities usually attending bonded transit and re-exportation under drawback do not, however, afford much prospect that the through transit traffic will not seriously feel the burden of the new arrangements to be adopted, and if the operations of the transit be in any way hampered thereby, this Government would feel bound to regard it as a departure from the intent and letter of the treaty engagements in respect of such transit.

The question is naturally attracting attention and causing no little concern in this country. I transmit for your information copy of a letter of inquiry addressed to me by a mercantile house of New York, and of my reply.

You will take an early occasion to bring this matter of the free and unobstructed use of the transit to the attention of the Colombian Government, adding such arguments as your good judgment and discretion may suggest.

I am,

T. F. BAYARD.

[Inclosure 1 in No. 2.]

Mr. Adamson to Mr. Porter.

No. 187.]

CONSULATE-GENERAL OF THE UNITED STATES,
Panama, October 10, 1885. (Received October 24.)

SIR: In my No. 179, of September 4, I expressed the belief that the elections for a President of this Republic to succeed Dr. Nuñez would not be held at the time fixed by the constitution, that an attempt to change the constitution would probably be made, &c., and intimated the probability that our Government might again be called upon to protect its interests here.

In my No. 182, of September 15, I noted another sign of the drift of Colombian affairs, as shown by the decree suppressing all newspapers throughout the Republic (from which, however, the *Star* and *Herald* of Panama obtained exemption). Since that time various official acts made public justify the opinions heretofore given by me.

In the *Panama Daily Star* and *Herald* of October 9 was published an impromptu address delivered by President Nuñez on the occasion of receiving news of the capture of the rebel flotilla, in which he says:

"Gentlemen, the constitution of 1863 no longer exists. Very soon the people will give themselves a new one, which will satisfy their true necessities and consult the inclinations of the great majority of the Colombian people."

On the 10th of September President Nuñez issued his decree No. 594, as per copy herewith, calling upon the governments of the several States to send delegates to a convention to be held at Bogota on the 11th of November to reform the constitution, and on the same date he issued an address to the people, giving the reasons for demanding said reform. It is believed here that the Government at Bogota has intimated to the civil and military chiefs of the several States the names of those persons who would be acceptable delegates.

The opinion is also generally entertained that the projected constitution will abolish State sovereignty, and on this point all parties agree that the change is desirable.

It is also supposed that the Presidential term will be extended from two years, as at present, to four or six years, and that the present incumbent will be his own successor. The friends of the national Government further say that in all probability a narrow zone of this Isthmus, including the railway and projected canal lines, will be declared a federal district, to be governed by an agent of the central Government, assisted by a large military force, and that the seat of government of the State of Panama will be removed to David, in the department of Chiriqui.

These things have had, comparatively speaking, but little effect on the public mind, but within the present week the people of Panama have been startled by the publication of decree No 696, issued at Bogota on the 25th of September, establishing custom-houses on the Isthmus of Panama.

You may infer that this decree caused much feeling here by reading the editorial articles taken from the Weekly Star and Herald of this day, and remembering that said journal is only permitted to be published by the sufferance of the National Government, as stated in my No. 182.

Dr. Pablo Arosemena, who strongly opposes the proposition, was recently president of the State of Panama, and the committee appointed to represent the merchants is composed of men of the highest standing. On the part of both the Panama Railroad and the Interoceanic Canal Company it is claimed that the proposition is in violation of the rights conceded to said corporations.

If the Government persists in the enforcement of the decree it will certainly cause much ill feeling here, for it would touch the pocket of almost every adult male person in the State. As a prominent merchant feelingly remarked to me, "It would add \$15 to the cost of a case of brandy."

I do not deem it within the scope of my duties to discuss the foregoing matter more fully, and therefore respectfully submit what is herein written for your information.

I am, &c.,

THOMAS ADAMSON.

[Inclosure 1 in inclosure 1 in No. 2.—Translation.]

DECREE No. 594.

The President of the United States of Colombia, considering it necessary to assist the re-establishment of the constitutional régime, disorganized by the recent rebellion, and taking into account the written manifestations of public opinion as well as the antecedents of the constitution which is to be replaced, decrees:

ARTICLE 1. The governments of the States are called upon to send delegates to a national convention to be held on November 11 proximo, in the capital of the Union, to consider the measures which should be taken to reform the constitution.

ART. 2. The government of each State shall name two principal delegates, and three numbered substitutes for each one of these.

ART. 3. The delegates shall have a right to their daily expenses, the same as members of Congress.

Let this be communicated and published.

Given in Bogota on September 10, 1885.

RAFAEL NÚÑEZ.

[Inclosure 2 in inclosure 1 in No. 2.—Translation.]

ADDRESS TO THE PEOPLE.

[From the Panama Daily Star and Herald, September 30, 1885.]

President Nuñez has issued the following address:

The President of the Republic to the Colombians.

The nation has just rescued herself, by her own prudent action, and thanks to Divine Providence, from an armed anarchy which made a last desperate effort to oppose the advent and establishment of liberal institutions. With judicious firmness the Government directed the defense of the society thus threatened with imminent disaster, and it has now to perform the duty of preparing the re-establishment of an altered constitutional regimen.

The infidelity of the sectional governments of Antioquia, Bolivar, Boyaca, and Tolima on the one hand, and the acts of sedition which were committed at Magdalena and Panama on the other, virtually deprived the expressed regimen in those States of its proper force and effect. Santander may be said to have been in the same condition since the last months of 1884, in consequence of disturbances, apparently local, which occurred there in the middle of August, although the recognized representative of the legitimate Government, Dr. Narciso Gonzales Lineros, has not failed to exercise his authority without interruption throughout the State, in spite of the vicissitudes of war. The same cause has also prevented the voting for the President of the Union, which should have been decided on the 6th of the present month, and the election of members to the National Congress. In accordance with the precedents of the constitution, it has become indispensable to promote a reunion of the governments of the States, as the most natural method, under the circumstances, of reconstructing the shattered elements of the Union on well-defined principles.

The numerous and expressive manifestations which the municipalities and citizens of the Republic daily direct to the Government clearly indicate the necessities of the entire country in the present important epoch of our history. Reform is therefore sanctioned beforehand by the unequivocal will of the people. In undertaking the necessary task of formulating this will into written institutions, a task in which I invoke the protection of the All-Powerful, I am but fulfilling an imperious duty, contributing by my conscience and authority to the creation of a political order, free from dangerous fallacies, which may be susceptible of realizing that wished-for development of our young civilization that has been unhappily so often interrupted. We find ourselves unavoidably in a constitutional interregnum, but in this interregnum no legitimate interest will suffer; for the severe prescriptions of the law of peoples will be applied with the sole object of the complete pacification of the country, in order that the great sacrifices which the victories of the national arms have cost may not prove to have been made to no purpose, and in order that prudential measures may speedily and effectively check the public misery which, after some years of social insecurity, already begins to assume alarming proportions.

RAFAEL NUÑEZ.

BOGOTA, *September 10, 1885.*

[Inclosure 3 in inclosure 1 in No. 2.—Translation.]

PROPOSED CUSTOM-HOUSES ON THE ISTHMUS.

UNITED STATES OF COLOMBIA,
OFFICE OF THE CUSTOM-HOUSE OF BUENAVENTURA,
October 1, 1885.

To the civil and military chief of the State of Panama :

I have been ordered by the national secretary of finances to transcribe for you the following decree, that it may be executed and profusely published on the Isthmus:

Decree No. 696, establishing custom-houses on the Isthmus of Panama.

The President of the United States of Colombia, in execution of the 8th article of the law No. 53 of the year 1884 on ways and means, decrees:

SECTION 1. From the 1st of December next, the custom-houses allowed by the law 53 of the year 1884 shall be established and begin to have their effect in the ports of Panama and Colon.

SEC. 2. By the aforesaid custom-houses the same duties shall be collected that are charged by the other custom-houses in the Republic as "*importation duties*," with a reduction of 40 per cent.

SEC. 3. The other regulations common to the other custom-houses will rule at the aforesaid ports. In accordance with this, the requisites of certifying the statements of cargoes (sobordos) and invoices, as enacted by articles 41, 43, 47, and 48 of the Fiscal Code, must be duly enforced in foreign ports from which merchandise is embarked.

Given in Bogota on the 25th of September of the year 1885.

RAFAEL NUÑEZ.

The secretary of war, acting as secretary of finances:

FELIPE ANGULO.
FELIPE MELENDES.

PROPOSED CUSTOM-HOUSES ON THE ISTHMUS.

The public will read with surprise and regret the decree of his Excellency President Nuñez, which we publish in our English and Spanish columns to-day. If it could be carried into practical effect it would simply create a revolution in the fiscal policy of the Isthmus that would at once be disastrous to commerce and unproductive to the Government itself. The decree orders the establishment of custom-houses in this city and Colon. Apart from the fact, that merchants and other traders on this Isthmus, and the consumers of imported articles also, have the right, sanctioned by time and a long-prevailing custom, to be exempt from imposts such as are now proposed, it would be indiscreet and display considerable unwisdom to insist upon so unconstitutional a change. In the first place, the revenues that would be collected would hardly pay the cost of initiating and keeping a large staff of officials; then the change would be most vexatious to merchants and embarrass commerce in every way to an extent that it is impossible to anticipate. In fact, it would inflict the death blow to all branches of trade, already fearfully depressed. Large direct taxes are levied in the shape of the monthly contribution, and to attempt to increase the charges to which merchants are already liable would be to consummate the ruin of the Isthmus.

We say it is impossible the decree can be carried into effect, for the reasons we have stated, and for others which will occupy our pen in a future article. All parties sympathize with the Government in its financial difficulties, but none are blind to the fact that the remedy proposed would simply amount to an aggravation of those difficulties, and lead to irritation and discontent. Every class of the inhabitants, as well as the importers, is interested in this important question, and it is to be hoped that united and respectful remonstrances will induce a reconsideration of the subject, and lead to a withdrawal of the decree, which is injudicious and unworkable. We did not exaggerate when in a former article we stated that the public opinion of the country was opposed to the reimposition of custom duties on the Isthmus, because the necessities and welfare of the inhabitants depend upon free transit, and opposition to the institution of custom duties has been known to exist for half a century.

Since 1835 the law of May 25 conceded to the districts of Panama and Porto Bello the privileges of free ports during the period of twenty years, when "there would be a canal or a railway existing," and later, under the law of June 2, 1849, a decree was issued to take effect on the 1st of January following, abolishing the custom duties on the Isthmus without fixing any limitation as to time. At that time the contract for the construction of the present railway had already been agreed upon in Washington, on the 28th day of December, 1848, and the work was inaugurated in 1855, this measure having been decided upon on April 15, 1850.

Any one who has considered this subject in the least will see the evidence of this in the manner in which the New Granada legislators were convinced that there was no way to reconcile the system of tariff duties through the customs with prompt and absolute free transit. The indispensable restrictions to avoid fraud as to the importations of merchandise must necessarily restrain, more or less, free transit, and would require a corps of employés, who would be so many more hindrances and absorb the revenue to be derived. Nor is it probable that without very high salaries responsible persons could be had to perform these duties in a country where the expenses of living are so very high.

The inevitable result of the restriction in the transit (in case the customs service should not prove to be merely an expensive formality) would be that our rivals would take advantage of these financial errors. The transcontinental railways would be the carriers of the merchandise which now goes through the Isthmus of Panama from New York to San Francisco, and by the Straits of Magellan that coming from Europe or the United States and proceeding to the South Pacific Republics, and *vice versa*.

To what extent merchandise and articles of consumption increase in Panama and Colon can easily be computed. These results are not understood in Bogota, and particularly by those who do not take the trouble to study this question. Nor is the fact that the railway freight charges are very high for those goods which are destined to be consumed in the country, for the simple reason that there is no competition. Another reason is that the products of the country have diminished to a large extent; everything is imported, even articles of primary necessity. The farmers abandon the fields to escape conscription, or are attracted by the high wages paid by the canal company; and the cattle, at one time so plentiful on the Isthmus, are decreasing at an alarming rate, so much so that it is now necessary to bring them from Bolivar and the Cauca to supply the demands of the market.

From this we see also the impossibility of substituting another tax for the commercial contribution levied by the State since 1850. There is no production upon which to impose new taxes, and therefore the goods imported will have to meet both the State

and national taxes. If any one should ask, How do we manage to pay for the goods imported? we would point out to him that the large and increasing amount of metallic currency which the canal company furnishes in payments to their employes enables us to do so. From this also results the high prices, which, if it does not injure those who receive remunerative wages, does affect those who live upon their limited incomes or fixed salaries.

We will conclude by appealing to the judgment of the authorities. The decree which establishes the customs tariff from the 1st of December (a limit somewhat short) has surprised the inhabitants of the Isthmus, because, although the law existed, it was considered too unreasonable to imagine that it would be carried into effect. The evils of which we complain consist not only in what we have stated; but also in something worse. The maritime communications are the only ones which the constitution reserved to the National Government, and if these had not been reserved, if the State of Panama did not have the high honor to be one of the nine States of the Republic of Colombia, the annual income which the nation receives from the railway would belong to her treasury, and also that which will be derived from the canal company. From this originated the fact that upon the suppression of the customs tariff the State of Panama obtained the right of taxing the mercantile interest to replace this revenue.

Having demonstrated that both cannot conjointly exist, nor can the State of Panama impose an additional tax, it follows that there is no reason why custom-houses should be established. There is not, in fact, a rational or prudent reason except with those who seek for an imperious measure which will tend to weaken rather than to strengthen the ties which unite the State of Panama to the other States of the Colombian Union. Let it be understood that the projected political reforms, especially if they interfere with the autonomy of this State, will not be calculated to better the political situation.

A very important meeting of the mercantile community took place at the rooms of the International Club on Wednesday afternoon to consider the decree of President Nuñez ordering the establishment from the 1st December ensuing of custom-houses on the Isthmus. The greatest unanimity prevailed, showing the deep interest taken in the subject by all parties. J. B. Poylo, esq., was unanimously called to the chair, and explained very lucidly the important object of the meeting.

Dr. Pablo Arosemena, being requested, reviewed the legal bearing of the case, and eloquently defended the rights of the State of Panama to a voice in so momentous a question as the present one. Quoting from the act of incorporation of the federation of Panama with the Union, he said that custom-houses could not be established without the acquiescence of the State of Panama. Further, he argued that article 7, of the contract celebrated with the canal company, distinctly provides that custom-house restrictions shall only be placed on goods destined for other portions of the Republic, and that from the commencement to the termination of the work, and during its continuance, the ports at both extremities of the canal shall be free and open to the commerce of all nations. [Loud cheers.]

Dr. Amador next addressed the meeting and expressed his entire disapproval of the establishment of custom-houses on the Isthmus. He spoke very emphatically and proved conclusively the great inconvenience such arrangement would create to commerce, and he further dilated on the utter impracticability of the proposed scheme. He said it would not be remunerative to the Government under any circumstance, and when he recalled the recollection of the recent disasters on the Isthmus, he was certain the change would extinguish entirely the lingering sparks of vitality still visible in the country. [Applause.]

After remarks from several other gentlemen, all of whom evidenced their cordial sympathy with the object of the meeting, and signified their alarm at even the possibility of the proposed change being carried into effect, Dr. Francisco Ardila said he was sufficiently authorized by the directors of the Canal Company to say that they would protect and defend the rights secured to them by the canal contract to the extent to which human power could do. [Cheers.]

A committee was then appointed to prepare a memorial to the President, pointing out the disadvantages spoken of, and the danger of the enforcement of the decree, and praying that it be revoked. The committee consists of J. B. Poylo, Pablo Arosemena, D. H. Brandon, E. L. Salmon, and Dr. Amador.

It was further resolved to telegraph to his Excellency the President, asking him to suspend the operation of the decree until the memorial adopted at the meeting shall be received by him and considered.

A vote of thanks to the chairman brought the meeting to a close.

[Inclosure 2 in No. 2.]

Messrs. A. S. Lazarus & Co. to Mr. Bayard.

NEW YORK, October 26, 1885.

SIR: Noticing that the President of the United States of Colombia has issued a proclamation declaring that on and after December 1, 1885, import duties will be levied on imports into Aspinwall and Panama, we ask the favor of a reply as to whether this is not in contravention of treaties now existing between this country and that Republic.

Soliciting the favor of an early reply, we have, &c.,

A. S. LAZARUS & CO.

[Inclosure 3 in No. 2.]

*Mr. Porter to Messrs. A. S. Lazarus & Co.*DEPARTMENT OF STATE,
Washington, October 31, 1885.

GENTLEMEN: Your letter of the 26th instant has been received. You therein ask whether the recent proclamation of the President of the United States of Colombia, declaring that on and after December 1, 1880, import duties will be levied on imports into Aspinwall (Colon) and Panama "is not in contravention of treaties now existing between this country and that Republic."

In response I inclose a printed copy of the treaty of 1846 between the United States and New Granada, now Colombia. You will perceive that the thirty-fifth article thereof stipulates that citizens of the United States shall have in the territory of the interoceanic transit—

"All the exemptions, privileges, and immunities concerning commerce and navigation, which are now or may hereafter been enjoyed by Granadian citizens, their vessels, and merchandise"; that this equality of treatment extends to the transit, and, further, "that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is under like circumstances levied upon and collected from the Granadian citizens; that any lawful produce, manufactures, or merchandise, belonging to citizens of the United States, thus passing from one sea to the other, in either direction for the purpose of exportation to any other foreign country, shall not be liable to any import duties whatever, or, having paid such duties, they shall be entitled to drawback upon their exportation," &c.

From this it is seen that there is no treaty obligation to make Colon and Panama free ports; that the guarantee of the treaty is limited to equal treatment of American goods with those of native Colombians or of the most favored nation, with an exemption from customs duties in the case of merchandise, &c., passing over the transit to countries beyond.

Should the collection of duties on imports into Colombia at Aspinwall and Panama be enforced in such a way as to hamper the stipulated free transit this Government would feel bound to complain.

I am, &c.,

JAS. D. PORTER,
Assistant Secretary.

No. 171.

Mr. Bayard to Mr. Scruggs.

No. 72.]

DEPARTMENT OF STATE,
Washington, November 17, 1885.

SIR: Your dispatch No. 240, of the 3d ultimo, has been received.

Your reported action in regard to the Colombian decree whereunder consignees who paid import duties to the insurgents who lately held ports of entry must pay over again to the Colombian Government, with

50 per cent. added in case of failure to do so, is approved, because coinciding with the representations made to the Colombian minister in Washington when the decree was known.

I send you herewith copy of my note of June 1, 1885,* to Mr. Becerra, on the subject, from which you will see that you had independently reached almost identical conclusions as to the objectionable character of the decree, and the indisposition of this Government to recognize any act whereby the Government of Colombia might assume to apply jurisdictional rights in respect of places over which it had no power.

The substance of my note to Mr. Becerra was communicated to Mr. Dawson, June 10, 1885. Communication with Bogota being then interrupted, no attempt was made to manifest through the legation the views of this Government.

I learn with pleasure from your postscript that the decree in question will be revoked.

I am, &c.,

T. F. BAYARD.

No. 172.

Mr. Bayard to Mr. Scruggs.

No. 74.]

DEPARTMENT OF STATE,
Washington, November 19, 1885.

SIR: I have received your No. 239, of the 2d of October, referring to the proposed establishment by Colombia of custom-houses at Colon and Panama, and detailing your action in the direction of preventing this and providing for the continued freedom of the Isthmian transit.

Your action is quite consistent with that contemplated by one of the instructions—No. 2, of November 3—just given to the new minister, Mr. Jacob, on the same subject.

I inclose a copy of that instruction.†

I am, &c.,

T. F. BAYARD.

No. 173.

Mr. Scruggs to Mr. Bayard.

No. 257.]

LEGATION OF THE UNITED STATES,
Bogota, November 25, 1885. (Received January 8, 1886.)

SIR: General Eustorjio Salgar, ex-President of Colombia, died at his residence in this city at 6 o'clock this morning. He was comparatively a young man, being only in his fifty-third year. He seemed in excellent health ten days ago, when he was suddenly stricken with paralysis, which proved fatal.

General Salgar was one of the very best men of Colombia, and had filled many positions of public trust. He was educated to the law. At the age of twenty-three he was elected governor of one of the New Granadian provinces, under the old Republic of 1856. In 1859 he be-

* For inclosure, see document No. 210, page 269.

† For inclosure, see document No. 170, page 223.

gan his military career under General Mosquera, and rose to the chief command of the national army at the age of thirty-one. Subsequently he was elected a member of the executive council of the provisional Government of 1863, and soon thereafter was appointed Colombian minister to Washington. I doubt not that Mr. Hunter and others in the Department remember him well.

Upon his return to Colombia he was elected governor of the State of Santander, and subsequently President of the federal Republic. All parties concede that he made one of the very best Presidents Colombia ever had. His administration was able, non-partisan, pure, and clean.

After the expiration of his Presidential term, in 1872, he retired to private life; but he was not permitted to remain. He was soon called again to the public service as cabinet minister under President Perez, with the portfolio of war. The succeeding administration (that of President Parra) called him to the position of minister for foreign affairs. He was again called to the same position by President Trujillo, in 1878, and again, for the third time, by President Nuñez, in 1884, which he, however, soon resigned.

In politics he was a Liberal, with strong convictions; but during the late civil war lived in retirement at his hacienda, taking no part whatever in the contest. It was my privilege to know him long and intimately, having served with him on the International Commission of 1875 for the settlement of some British claims. Few men of any country combined such rare aptitude for public affairs with such admirable traits of personal character.

I have, &c.,

WILLIAM L. SCRUGGS.

CORRESPONDENCE WITH THE LEGATION OF COLOMBIA AT WASHINGTON.

No. 174.

Mr. Becerra to Mr. Frelinghuysen.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,

Washington, March 2, 1885. (Received March 2.)

SIR: A citizen of Colombia, named Benjamin Gaitan, arrived in the city of New York four days since, having been commissioned by the rebels, who now control a part of the Atlantic coast in Colombia, to purchase arms and munitions, and even to fit out vessels for the purpose of carrying the war into the interior of the country.

Mr. Gaitan brings funds for this purpose which were forcibly taken from the custom-house at Barranquilla, and the firm that is acting as agent for the purchase of the elements of war is the commission-house of Mr. Santiago Perez Iriana, No. 16 Beaver street, New York. Mr. Perez Iriana is likewise a Colombian.

The purpose of these parties may be either to dispatch a vessel directly to Barranquilla, or to send the elements of war via Curaçao on board the Valencia, of the Bliss & Boulton line, or else to fit out some vessels at San Francisco, Cal., and to send them to the Colombian ports on the Pacific coast, which are also held by the rebels.

At all events, I trust that the United States Government, conformably to its own laws, and to the lofty spirit of honor which has always characterized it in cases similar to the present, will issue, with the promptness that is required, the most stringent orders for the purpose of preventing the departure from its ports of warlike expeditions or of elements intended to foment armed discord, of which the territory of Colombia is, unfortunately, now the scene. I most respectfully make this request of the chief authorities of the United States through the honorable Secretary of State, whose obedient servant

I have, &c.,

RICARDO BECERRA.

No. 175.

[Telegram.—Translation.]

Mr. Arosemena to Mr. Becerra.

PANAMA, March 2, 1885.

MINISTER OF COLOMBIA,
Washington:

Armed band has seized steam-tug Game Cock of the railway service. Superintendent Burt protests. Communicate to the United States Government under what conditions that vessel now sails. She goes to Sabanilla to bring expedition to the Isthmus. Act with energy.

AROSEMENA.

No. 176.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, March 10, 1885.

SIR: I have to acknowledge the receipt of your note of the 2d instant respecting the movement of certain parties in the United States, who, it is alleged, are engaged in fitting out warlike expeditions against the Government of Colombia, and to inform you that the attention of the proper authorities was promptly invited to the subject.

Accept, &c.,

T. F. BAYARD.

No. 177.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, March 11, 1885.

SIR: I have the honor to inclose herewith for your information a copy of a communication of the present date from the Attorney-General, in which he inclosed a copy of a letter of the 10th instant from Mr.

Root, the United States district attorney at New York, a copy of which is also inclosed, respecting the detention at that port of the steamship Albano for the purpose of further examination under section 5290 of the Revised Statutes.

The Albano being a vessel of a regular line from New York, the detention for the purposes mentioned will be brief. You are, therefore, requested to furnish this Department, at the earliest possible moment, with such further and more particular information as you may be able to give in relation to the violation of the neutrality act by the steamship in question.

Inclosed herewith you will also find a copy of the section 5290 of the Revised Statutes under which the present detention for examination is justified.

Accept, &c.,

T. F. BAYARD.

[Inclosure.]

Mr. Garland to Mr. Bayard.

DEPARTMENT OF JUSTICE,
Washington, March 11, 1885.

SIR: I have the honor to send you, for your information, a copy of a letter of the 10th instant from United States Attorney Root, New York, in relation to the steamer Albano, which cleared that morning for a port in the United States of Colombia, having arms upon her manifest. I respectfully call your attention to the request of the attorney that he may receive, at the earliest possible moment, such further and more particular information as the minister of the United States of Colombia may be able to give, and shall be pleased to receive such information as the Department of State may be able to furnish, that I may transmit it promptly to the attorney.

Very respectfully,

A. H. GARLAND,
Attorney-General.

[Inclosure 1 in inclosure.]

Mr. Root to Mr. Garland.

[Office of the United States attorney for the southern district of New York.]

NEW YORK, March 10, 1885.

SIR: I have to-day received from you a telegram, as follows:

“WASHINGTON, D. C., March 10, 1885.

“ELIHU ROOT,

“United States Attorney, New York, N. Y.:

“Minister of United States of Colombia at this capital states that parties are engaged in purchase of arms to carry on war against his Government. Steamer leaves your port to-morrow or next day. You are directed to immediately adopt stringent measures to prevent any departure of warlike elements intended to assist expeditions against Colombia.

“A. H. GARLAND,
“Attorney-General.”

I immediately sent to the collector of this port a letter, a copy of which I inclose. I have received no reply from the collector. I have also caused Special Agent Fox of the Treasury Department, who is attached to this office, to make special inquiry upon the subject. He informs me that the steamship Albano was cleared this morning for a port in the United States of Colombia having arms upon her manifest. He requested that the clearance be stopped and the vessel not allowed to leave until further examination. The collector informed him that he would comply with the request and report the facts to me. I beg that I may receive at the earliest possible moment such

further and more particular information as the minister of the United States of Colombia may be able to give. Of course, the mere fact that a steamer cleared for a port in the United States of Colombia having arms among her cargo is no ground for interference. It is highly improbable that the vessel in question, whether it be the Albano or any other steamer, will correspond with the description of section 5290. The Albano I understand to be a vessel of a regular line. The detention for the purpose of examination justified by section 5290 will accordingly be brief.

In order to take any further steps to prevent the arms from going forth, I must have some facts which will establish a violation of some provisions of the neutrality act. The case of the steamship Florida, decided by Judge Blatchford in the district court in this district in 1871, and reported in the 4th of Benedict District Court Reports, 452, illustrates the difficulty of establishing violations of law of this description.

Very respectfully,

ELIHU ROOT,
United States Attorney.

[Inclosure 2 in inclosure.]

Mr. Root to Mr. Robertson.

[Office of the United States attorney for the southern district of New York.]

NEW YORK, *March 10, 1885.*

SIR: I have this day received from the Attorney-General a telegram as follows:

“WASHINGTON, D. C., *March 10, 1885.*

“ELIHU ROOT, *United States Attorney, New York, N. Y.:*

“Minister of United States of Colombia at this capital states that parties are engaged in purchase of arms to carry on war against his Government. Steamer leaves your port to-morrow or next day. You are directed to immediately adopt stringent measures to prevent any departure of warlike elements intended to assist expeditions against Colombia.

“A. H. GARLAND,
Attorney-General.”

I have to request that you will forthwith enforce the provisions of section 5290, United States Revised Statutes, against any steamer which is about to leave this port having on board arms, as indicated by the telegram of the Attorney-General, and coming within the provisions of that section, and that you will cause careful examination to be made of such steamers as may possibly be indicated by the information contained in the Attorney-General's telegram, and inform me as early as possible of any facts showing a violation or intended violation of section 5283 United States Revised Statutes, against the fitting out or arming of vessels to cruise or permit hostilities against foreign states, or of section 5286 United States Revised Statutes, against beginning, setting on foot, providing or preparing means for any military expedition or enterprise against a foreign state.

Very respectfully,

ELIHU ROOT,
United States Attorney.

No. 178.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, March 12, 1885. (Received March 12.)

SIR: I had the honor to receive the very polite note of your Department yesterday afternoon, and therewith copy of the documents in reference to the prompt and efficient action of the respective American authorities, upon the request of this legation, to prevent the shipment

of arms and munitions and the fitting out of vessels destined for the part of the Colombian territory now the theater of an armed insurrection against the lawfully-constituted Government of that Republic, which is the friend of the United States. I return thanks to the honorable Secretary for the diligent action which has followed my representations, and I hasten to amplify, with the speed which the case requires, the details which the attorney of the district of New York needs with reference to the shipment of arms and munitions on board of the Albano, bound for Sabanilla, and for the insurgents who have actual possession of that port.

(1) The Albano belongs to the line of English steamers of the British Atlas Company, which has resident officers in the cities of New York and Liverpool, which steamers are engaged in regular trade between the former port and those of the Atlantic coast of Colombia. The company has contracts with the Colombian Government whereby in some respects their service of transportation is favored, and, therefore, they are subject to greater and stricter duties of neutrality in the domestic contentions of that country.

(2) Notwithstanding this, the company has received on board the Albano a large quantity of arms and munitions purchased in New York by Señor Benjamin Gaitan, the known agent of the insurgents, with funds taken by force from the custom-house at Barranquilla, or as a forced loan from the peaceable commercial element of that city, whose residents are in great part foreigners. And, moreover, it has agreed to transport the arms and munitions and the purchaser thereof, the agent of the rebels, to a port which the competent authorities of Colombia have closed to foreign commerce in virtue of the decree competently issued and communicated to the foreign consuls resident there.

Further, in conformity to the legislation of Colombia, all operations of commercial importation are based upon the previous intervention of the consul of Colombia at the port of the vessel's departure; yet, notwithstanding this, the Albano has been cleared for Sabanilla without that essential requirement being complied with, thus withdrawing herself from the lawful jurisdiction of Colombia, and putting herself under that of the rebels, whose interest is from that moment to attract to themselves the greatest possible number of warlike elements in order to prosecute their work.

(3) The arms and munitions embarked on the Albano are evidently intended for the insurgents who are now the masters of the port of Sabanilla, and their carriage thither, if unfortunately it be accomplished, will be such efficient aid that without it the cause they espouse would be lost. The reason of this is that they almost wholly lack munitions suitable for the arms that they have succeeded in capturing, while in the national arsenals there is an abundance of such munitions. This explains why, as I have been informed, the company owning the Albano has charged the shippers of the arms extraordinary freight money.

(4) The United States, as guarantors of the neutrality of the transit by way of the Isthmus of Panama, according to the treaty of 1846, are naturally interested in preserving order there and in warding off or suppressing whatever efforts or elements may tend to a contrary result. Now, then, it is a fact which admits of no doubt, that a large part of the arms put on board the steamer Albano are intended for the insurgents who are preparing to invade the State of Panama. The American Government, in fact, knows that a band of those same insurgents by surprise and force seized in the port of Colon (Aspinwall) a steam-tug which is the property of the railway company, and it is aware that

the captors have taken the tug to Sabanilla, in search of the means of carrying the war into the Isthmus. Your Government has already given directions for the recovery of that property, thus supplementing, at the instance of this legation, the want of means on the part of the lawful authorities of the State of Panama to do the same thing. If, then, the embarkation and dispatch to the rebels of the armament purchased in New York were tolerated by the American authorities, the result would be that these latter themselves would furnish means in opposition to the fulfillment of the obligation assumed by the United States to guarantee the neutrality of the interoceanic transit by the way of Panama, to the injury of such transit, or at least its paralyzation in the event of the rebels carrying the war into that territory, as it is at present their very clear intention to do.

I venture to hope that the facts and considerations here set forth will carry to the mind of the proper American authorities the conviction that the case now presented is one of the clearest and most urgent character in so far as it concerns the neutral duties of this nation, and that it is likewise a very appropriate one for demonstrating the high policy of moral protection in the interest of peace in South and Central America, which the present administration doubtless holds.

I am, &c.,

RICARDO BECERRA.

No. 179.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, March 13, 1885.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date in reply to mine of the 11th instant, requesting you to furnish me with such particulars as you might be able to obtain as to the alleged violation of the neutrality act by the steamer Albano.

A copy of your note was at once communicated to the Attorney-General with the suggestion that its statements be substantiated by the United States district attorney at New York, acting conjointly with the consul of the United States of Colombia at that city.

Accept, &c.,

T. F. BAYARD.

No. 180.

Mr. Becerra to Mr. Bayard.

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, March 17, 1885. (Received March 17.)

SIR: With positive pain I am obliged most respectfully to call your attention to what, according to information received by me, is now going on in the port of the city of New York, in the matter of the shipment of arms and munitions and the sending of vessels for the purpose of assist-

ing the armed rebels who are now resisting on the Atlantic coast of Colombia the authority of the General Government of that Republic, which is on terms of friendship with the United States of America.

I am informed, first, that the schooner George W. Whitford, chartered expressly for this purpose, has sailed from the aforesaid port for the Mulata Islands, where there is no port open to foreign commerce, having on board arms and munitions purchased in that city by rebel agents. The vessel was cleared without any intervention on the part of the Colombian consul at New York. Second. The steamer Albano, of the Atlas line, which, according to information furnished by the New York custom-house, had on board elements of war for Colombian ports, was not detained, notwithstanding reports to the contrary furnished by officers of the Government in that city.

I trust, Mr. Secretary of State, that you will deign to take note of these facts, and that, being animated by the high spirit of justice which has ever characterized the American Government, you will order such an investigation as may tend to bring the true condition of things to light, and to restore tranquillity to the minds of those who, like me, representing the dearest interests of their country, earnestly desire the strict fulfillment by the subordinate authorities of the many efficient legal provisions which guarantee the neutrality of the United States and call for the punishment of those who transgress the same.

With sentiments, &c.,

RICARDO BECERRA.

No. 181.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, March 20, 1885.

SIR: Acknowledging the receipt of your note of the 17th instant, wherein you complain of the alleged neglect of the United States authorities at the port of New York to enforce the provisions of the neutrality laws, I have the honor to inform you that the reports received at this Department indicate that the authorities mentioned have exercised the utmost vigilance to prevent any infractions of the neutrality laws.

It appears from the inquiries made by those authorities that they are satisfied that no arms or munitions of war were taken on board the steamship Albano for Colombian ports. As a schooner or sailing vessel may leave the port of New York without clearing at the custom-house, it has been deemed proper to instruct the proper authorities to report forthwith any suspicious circumstance connected with the loading of any such vessel with arms or munitions of war.

Any information which may come to your knowledge, or to the knowledge of the consul from Colombia at New York, that would indicate an infraction of the neutrality laws, should be made known at once to the proper authorities,

Accept, &c.,

T. F. BAYARD.

No. 182.

*Mr. Bayard to Mr. Becerra.*DEPARTMENT OF STATE,
Washington, March 25, 1885.

SIR: On the receipt of your note of the 17th instant complaining that certain ordinary merchant vessels have sailed, or are about to sail, from the port of New York, having on board as part of their cargoes boxes of arms and of ammunition, intended for the purpose of assisting armed rebels who are now resisting on the Atlantic coast of Colombia the authority of that Republic, I did not fail to communicate the subject of its contents to the proper authorities.

I now have the honor to inform you that it appears from a recent communication from my colleague, the Attorney General, that the United States attorney at the port of New York has been directed to be vigilant in enforcing those statutory provisions which apply to the circumstances in which Colombia is unhappily involved.

In this connection I deem it proper to invite your attention to the fact that the existence of a rebellion in Colombia does not authorize the public officials of the United States to obstruct ordinary commerce in arms between citizens of this country and the rebellious or other parts of the territory of the Republic of Colombia. It is a well-established rule of international law that the allowance of such commerce is no breach of duty towards the friendly Government whose enemies may thus be supplied with arms:

As no charge is made that the vessels in question are armed vessels intended for the use of the rebels mentioned, or that military expeditions are being set on foot in this country against the Republic of Colombia, the duties of this Government are limited to the enforcement of the statutory provisions which apply to such cases.

Accept, &c.,

T. F. BAYARD.

No. 183.

*Mr. Bayard to Mr. Becerra.*DEPARTMENT OF STATE,
Washington, March 27, 1885.

SIR: With reference to previous correspondence on the subject, I have now the honor to inform you that I have received a letter from the Secretary of the Treasury, dated the 24th instant, transmitting a copy of a report from the collector of customs at New York, relative to the clearance from that port of the schooner George W. Whitford and the steamer Albano, charged with the unlawful shipping of arms and munitions of war to be used against the Colombian Government.

It appears from the collector's report that on the 9th instant, upon his attention being called to this subject, he took immediate steps for the exercise of the utmost vigilance to prevent any violation of the neutrality laws. It was ascertained upon inquiry that the steamship Acaapulco had sailed for Aspinwall before the special instructions in this matter were received, and that the Albano left soon after, but an exam-

ination of the manifests of these vessels failed to discover any arms or ammunition among the cargo of either. A supplemental manifest of cargo of the Albano was, however, filed at the custom-house after the clearance of that vessel, showing the following articles, and the ports or places of destination: One case shells, value \$32, Kingston; 32⁴ kegs powder, value \$40, Wianita; 1 case caps, cartridge 90, value \$32, Wianita; 1 case military accouterments, value \$15, Kingston; 1 case rifles, value \$45, Kingston; 1 case cartridges, value \$12, Kingston; rifle at \$8, Boca del Toro; 1 case cartridges, 4 $\frac{1}{2}$, at \$29, \$37, Boca del Toro; 1 case cartridges, \$17, Kingston.

It has not as yet been possible to ascertain whether these articles are intended to be used in expeditions hostile to the Colombian Government, but even should this prove to be the case, this Government, however much it may regret the encouragement in any manner from this country of the revolt against the constitutional authorities of its sister Republic, must maintain the right of its citizens to carry on without a violation of the neutrality laws the ordinary traffic in arms with the rebellious or other parts of that Republic, as more particularly set forth in my note to you of the 25th instant.

The report of the collector of customs further shows that inquiries were made as to Santiago Perez Tuana and a Mr. Gaitan, which disclosed the fact that the former is engaged in business as a commission merchant for ports or places in Central America, and that no information could be obtained as to the latter.

It further appears that the schooner George W. Whitford cleared from New York on the 7th instant, and that her manifest records no arms or munitions of war of any kind.

Accept, &c.,

T. F. BAYARD.

No. 184.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, April 2, 1885. (Received April 2.)

SIR: The Colombian State of Panama, across whose territory exists a railway which brings the two oceans into communication, and where at the present time there is being excavated a canal which will unite their waters, is ruled by its own local institutions, and obeys a government whose magistrates are elected by the vote of its citizens. In conformity with the political constitution of the Colombian nation, to which that State belongs and of which it is an integral part, its government yields obedience to and supports the action of the National Government which holds its seat at Bogota in all matters having regard to foreign relations, to international commerce, to public instruction, to the army, to the collection of the general taxes, and to the security of persons and property.

Until 1880 the autonomous rights of the State of Panama, like those of the other States of the Union, extended to the exclusion of all intervention of the federal Government in the armed contests of the citizens of a State against its authorities; but in 1881 a law of the federal Congress, explanatory of the constitution, imposed upon the National Gov-

ernment, that is to say upon its executive department, the duty of defending the existence and the tranquil operation of the legal governments of the States against hostile attacks on the part of domestic factions. It may be affirmed that this fundamental innovation upon the Colombian political system was in a great measure effected for the purpose of rendering more efficient and assured than theretofore the national intervention for the protection of the great commercial interests established on the Isthmus, and of the enterprises which, like that of the canal now in process of construction, promise to vastly develop those interests for the benefit of civilized peoples.

And, in fact, in the execution of that important law, the central Government established at Bogota gave paramount attention to the military service of the Isthmus, raising the number of its several garrisons to a thousand men, all veterans, endowing them with the best armament and equipment, and intrusting their command to officers of known capacity whose appointment was confirmed by the Senate.

Thanks to this special system of defense and precaution, there was no recurrence in the State of the slight but always prejudicial disturbances which in former years had obstructed its progress; the persons and property of natives and foreigners enjoyed the highest possible degree of security; and even the enormous body of laborers employed in the works of the canal, reaching in number some 15,000 men, many of them of the lowest moral condition, has scarcely made itself felt, watched over as it has been and in many cases repressed in its excesses by the soldiery of the national garrisons. This satisfactory state of things lasted until the beginning of the month of March of this year, when, unfortunately, there began to be felt upon the Isthmus the deplorable consequences of the powerful rebellion which had occurred in the interior of the Republic and in the populous State of Cauca, which adjoins that of Panama; a rebellion which had its origin in questions of constitutional reform, and proposed as its object to perturb this reform and to overthrow from power the legal magistrates of the nation. In order to repress and suppress it in time, it became necessary to concentrate all the military forces of the Union, and among them those which were doing garrison service in Panama and Colon, a large part of which were removed, although merely as a provisional measure, to the States of Bolivar, upon the Caribbean Sea, and Cauca, upon the Pacific.

The most important points of the Isthmus being thus left ungarri-soned in a way that was almost reckless, it was difficult, if not impossible, for its local government to immediately organize the militia force, and to this was added the adverse circumstance of being relatively distant from the centers of purely national population, such as are the provinces of Chiriqui and Veraguas, in which it was possible to enlist soldiers or levy a conscription in conformity with the law. In Panama and Colon, whose most active population is either cosmopolitan, or, as in the case of the workmen upon the canal, exempt from all military service, in pursuance of the liberal concessions of the Colombian Government, and where, moreover, the attractions of excessive commercial gain relax to a certain extent the ties of citizenship, such an organization of forces needs time, demands expense, and in no case can be the work of the moment.

Meanwhile, in these same cities of Panama and Colon there are unfortunately not wanting those professional politicians who are in all countries the pest of modern democracies, partisans whose noxious agitation, curbed and kept within bounds until then by the presence of

the national forces, found in their temporary removal a propitious opportunity to devote themselves to their natural machinations.

It thus becomes clear how that, notwithstanding that there was at the head of the Government, through legal election by the assembly of the State, one of its most distinguished sons, and notwithstanding the intrinsic excellence and the patriotism of all his public acts, and in spite of this same citizen professing the dominant political opinions of the State, those professional agitators, and in their shadow many criminals of diverse nationalities and origin, conspired against the public peace and order, and at last succeeded in an evil hour in seizing, without resistance, the city of Colon and making a sanguinary attack upon that of Panama.

Thus also are explained the horrible excesses, unprecedented in the political history of Colombia, to which, according to the news furnished by the press, those soulless agitators have abandoned themselves during these last few days, and among which are certainly not the least deserving of chastisement and deplorable the imprisonment of the American consul and of an officer of the Navy of this country, notwithstanding the sentiments of constant amity and respect which have ever been entertained by the people of Colombia and all those of its citizens who have exercised or may exercise therein any power or authority toward this Republic, and toward its officers and agents of whatever rank.

Two other circumstances should be here mentioned, in order that this communication, which is a sort of memorandum, may produce the results which he who has the honor to present it to the consideration and judgment of the honorable Secretary of State hopes for from it, and these are:

First, that notwithstanding the straitened and painful military situation in the interior of the country, there nevertheless remained in the city of Panama certain national forces, which have contended against the disturbers of the public order, although without the successful result which was to be desired.

Secondly, that in well-grounded anticipation (based upon a knowledge of men and things upon the Isthmus) of the deplorable excesses of which the city of Colon has been the theater and the victim, the writer of this communication had the honor, in a verbal conference sought to that end, to intimate clearly to the honorable Secretary of State how expedient it was, and besides being opportune how necessary, that sufficient American forces on board of vessels of war stationed at Panama and Colon, should be there within sight of events, ready and competent to give to the persons and property of American citizens that effective protection and shelter which, by reason of temporary, but none the less effective deficiency of material force, the Colombian authorities could not afford for the time being. The honorable Secretary took a note of those intimations, and his remarks indicated his favorable reception thereof.

It follows from what has been herein set forth that Colombia, after having assured at the cost of no small sacrifices on her part the advantages of the Panama transit for the enjoyment and benefit of the interests of all mankind, after having there suppressed the national customs duties, and, as a concession toward a more expeditious and free communication, done away with even the most elementary formalities of her maritime coasting policy, and after, lastly, having contracted, without proportionate compensation, and solely in a generous spirit of association in the work of common progress, the responsibility of protecting

by means of her forces the great schemes of communication from ocean to ocean and the vast interests thereto related, has done since 1849, and especially since 1880, in so far as the great purpose in view involved modification in the constitutional practices of the Government, all that has been in her power in the direction of fulfilling her pledges. Accidents in her political life, which are not to be wondered at in an incipient nation such as Colombia is, since they occur in others of secular growth, have at times prevented as for instance in the present case, the action of her laws and her Government from being as prompt and effective as is to be desired; but these exceptions, which, as has been observed, likewise occur even under the authority of the better constituted Governments of the world, afford assuredly no ground for forgetting what that Republic has done in contribution to the universal interests of civilization, to which, as an absolutely free arena, the Colombian territory of the Isthmus has been thrown open.

The present unfortunate state of things in that region will, on the other hand, not be of long continuance. The rebellion of the interior of Colombia has been overcome, and the recent submission of the coast of the State of Cauca to the authority of the national Government indicates that there will be dispatched from there, at no distant day, armed expeditions on the part of the nation, competent to restore peace upon the Isthmus and to subject to the operation of justice those who have disturbed it by attempt like that of Colon.

Entertaining the most justifiable confidence in the high circumspection and never-belied spirit of probity of the Government of the United States of America, the undersigned, envoy extraordinary and minister plenipotentiary of the United States of Colombia, has the honor to submit this note, and the details and information which it contains, to the judgment of the honorable Secretary of State, in the hope that the decision which he will reach concerning the recent deplorable events upon the Isthmus will be as fitting to the occasion as is to be desired.

The undersigned renews, &c.,

RICARDO BECERRA.

No. 185.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, April 3, 1885. (Received April 4.)

SIR: In accordance with the promise which I had the honor to make to you on the occasion of our pleasant interview of to-day, I hasten to communicate to you the latest news that I have received, through reliable channels, concerning the state of affairs in Colombia.

The rebels in the interior of the country, who for a short time even threatened the city of Bogota, the seat of the federal Government, were speedily checked, and have since been compelled, after meeting with no small number of reverses, to take refuge in the national territory of Casanare, which, as a theater of war, possesses no importance whatever. As a consequence, the three central States of Cundinamarca, Boyaca, and Santander, which embrace a vast extent of territory and contain a population of more than a million and a half, now

obey the authority of their lawful governments, and are in the enjoyment of peace and tranquillity.

The rebel governments of the States of Tolima (on the Magdalena River) and Antioquia, which is perhaps the richest State in the Union, have also been put down, and those States are now under the control of the federal forces and authorities.

In Cauca the rebels who made an armed uprising have been beaten, and the national forces have just retaken Buenaventura, a port situated on the Pacific Ocean, forty hours' sail by steamer from Panama.

The rebellion, therefore, which at first appeared formidable, has been suppressed everywhere, except on a portion of the Atlantic coast in the State of Bolivar (the said portion including the ports of Barranquilla and Sabanilla, the former of which is a river and the latter a sea port), and one other portion, less extensive and important, in the State of Magdalena.

As soon as the central Government shall have procured vessels suitable for navigating the Magdalena River from the coasts of the States of Tolima and Cundinamarca as far as those of the Atlantic States of Bolivar and Magdalena, it will send considerable forces to the latter States, which forces will, I am sure, conquer the rebels without any great difficulty.

I think it altogether likely that troops designed to re-enforce those at Panama and Colon, and to restore peace, tranquillity, and confidence, which, for a brief period, have, unfortunately, been interrupted in that important part of our territory, have already sailed, or will soon do so, from the port of Buenaventura.

It is proper for me here to state, as I do, to the estimable Government of which you, Mr. Secretary of State, are the worthy representative, that there is not the slightest connection or solidarity between the unprincipled agitators on the Isthmus, whose exploits have ended in the cowardly burning of the city of Colon, and the political rebels in the interior of the country. The latter are the actors in a political drama in which eminent citizens are engaged, including not a few of those who, when a constitution for the country was adopted in 1863, introduced into the public law of Colombia the humane provision that all the usages of the law of nations should be observed in civil wars. The former are, according to my latest advice and their own acts, common criminals of various nationalities, whose sole object is pillage, and some of whom have been seen to fight and even to fall wounded with the chains or fetters of the prison on their legs. When the rebels in the interior learn that these wretches have dared to rally under their flag, I am certain that they will deplore that fact more than the overthrow of their own cause.

I take the liberty to beg, Mr. Secretary of State, that, in taking note of the foregoing information (which I gladly hasten to furnish to you in compliance with your verbal request), you will bear in mind this radical distinction, since that will save my country from the disgrace and responsibility consequent upon the erroneous belief that there are political men in it who are capable of resorting to such barbarous and wicked means as the intentional burning of towns in order to secure the success of their cause.

I beg you, Mr. Secretary, &c.,

RICARDO BECERRA.

No. 186.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, April 4, 1885. (Received April 4.)

SIR: With regretful surprise and with a feeling of indignation, which I am sure the honorable Mr. Bayard, to whom I have the honor to address myself, will appreciate and respect, I have read in the morning papers the following cablegram, which, it is said, has been sent to the Department of the Navy, in Washington, by the commander of the war vessel *Galena*, now stationed in the waters of the port of Colon:

I hold two of the most prominent insurgents who assisted in firing Aspinwall. I do not think it is safe to deliver them to the Colombian authorities, who would permit their escape.

There is no need for me to measure the intensity and the scope of this brutal (*sangriento*) insult, which would seem to be leveled at the people and Government of Colombia by the commander of an American war vessel; an insult which at the same time would seem to have been accepted by this Government, and given, with its sanction, to the publicity of the world.

I very respectfully call the attention of the honorable Secretary of State to this unqualifiable incident, and entertaining well-founded-confidence in the spirit of good judgment and perfect decorum of which he has given so many proofs, I suggest to him the adoption of the best among the many methods which may be available to redress the insult inflicted upon a friendly nation, which is the more worthy of consideration the greater is the state of perturbation in which it now is by reason of accidents connected with the incipency of its political life.

The undersigned renews, &c.,

RICARDO BECERRA.

No. 187.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, April 4, 1885. (Received April 4.)

SIR: Our interview which took place yesterday, at 2 o'clock p. m., had reference to a matter of such vital importance to the interests and the honor of the people and the National Government of Colombia, which are now intrusted to my discretion and zeal, that I deem it proper, and, as a matter of course, worthy of your approval, Mr. Secretary of State, that I should state in this note, and put on record therein, if not all the particulars of the interview, at least the main agreement in which it resulted, together with the considerations which suggested it on both sides. Consequently, Mr. Secretary of State, I have the honor to lay before you my recollections of that interview, begging that you will rectify, or, if you think proper, confirm them, so that we may thus place on record that exchange of sincere and ingenuous opinions whose object

was the common benefit of the two countries, and which, if faithfully carried out, will establish a precedent worthy of great respect in their mutual relations.

On the day preceding the aforesaid interview I had the honor to address to you, Mr. Secretary of State, my note of that date, April 2, containing a statement of the reasons why, notwithstanding the most earnest efforts of the Colombian Government and the antecedents of many years, interoceanic transit across the Isthmus of Panama has not, during the past few days, been as efficiently protected as is to be desired. You began, Mr. Secretary of State, by remarking that my note was clear, intelligent, and well calculated to give a correct idea of the condition of affairs in Colombia, especially on the isthmus. You added that the statements therein made showed that the protective action of the Colombian authorities had been either wholly wanting or very insufficient, which fact had given rise to the outrages committed in the city of Colon against the persons and property of many American citizens. The object of my note having been to explain and even to justify that insufficiency, on the ground of the exceptional nature of the circumstances, I hastened to reply that your remark was unfortunately well founded, and that I should in no case have recourse to the subterfuges so often made use of in what is called diplomacy for the purpose of distorting facts, especially as I had unlimited confidence in the uprightness of the American Government, and in the spirit of justice and equity which lies at the root of its whole present policy.

Incidental remarks then led us to the special object with which I had solicited the interview. From what had been published in the newspapers, I was aware that the United States Government was preparing to send an expedition to the Isthmus. I did not know, however, what was its object, how large it was to be, or the legal grounds on which the Government proposed to send it. I therefore expressed the desire which I naturally felt to be informed of these particulars, with which desire you unhesitatingly complied by informing me that several men-of-war and a few transports were, indeed, about to sail for the ports of Colon and Panama, with a sufficient force of marines to effect a landing, if necessary; that the sole object of the expedition was to re-establish railway transit between the two oceans, which you supposed to be still interrupted, and to afford shelter and protection to the many American citizens who had been rendered homeless by the burning of Colon; that the United States thus performed the duty which was rendered incumbent upon them by the treaty (still in force) concluded in 1846, wherein it is provided that they shall "prevent the free transit from the one to the other sea from being interrupted or embarrassed," and that, too, with the greater reason, inasmuch as it had been seen that the authorities of the Colombian Government, which was the first guarantor of that freedom of transit, had of late been unable to perform that duty, thereby rendering possible the commission of acts of violence and outrages against officers and citizens of this country, against which public opinion in the United States vigorously protested. I then told you that I had good reasons to assure you that free transit had already been re-established, and that the national forces which had just recaptured Colon and defended Panama would be sufficient not only to protect the transit but also to support the action of the authorities in bringing the criminals to condign punishment. I briefly explained the political condition of Colombia, and said that reinforcements for the national garrison on the Isthmus would probably soon sail, if they had not done so already, from the port

of Buenaventura, which is very near to Panama. To these statements of mine you replied by formally declaring that the United States forces were to be sent to the Isthmus, in pursuance of the spontaneous action of the United States Government, solely in order that the duty might be fulfilled which is rendered incumbent upon the nation by the treaty of 1846, it being understood that if, on arriving at Colon, they should find the freedom of interoceanic transit restored, and the Colombian authorities in possession of force sufficient to furnish a guarantee that order would be maintained, the said forces would be withdrawn, as their mission would then be at an end. I then expressed the satisfaction which I felt on learning what limits were to be set to the action of the United States on the Isthmus by the exceedingly moderate and upright policy of their Government, and I promised to make a statement of that policy and of its character to the national authorities at Panama, urging them at the same time to do all in their power to strengthen themselves, in order thus to render unnecessary the intervention of the second power guaranteeing interoceanic transit, or at least to render it of very short duration. I then wrote a couple of telegrams, which you told me, in compliance with my special request, would be sent without delay by the Department of State.

In the course of the interview I took occasion to mention that I had seen with painful surprise that several New York papers reported that language which was unfriendly and even diametrically opposed to the very moderate and prudent policy of this Government had been used by the naval officers who were about proceeding to the Isthmus. You were pleased to take note of my observation, and I have seen by the dispatches of the Navy Department that the Government desires that there be no lack of decorum in language on the part of those who are to execute its orders. All this goes to strengthen the very great confidence with which, as the representative of the most delicate interests of my country, I have from the very outset viewed the policy and the methods of action of the American Government.

Here ends my statement of my recollections of our important interview of yesterday, which I most respectfully submit to you, Mr. Secretary, for approval or correction. I would add that the foregoing statement may be not improperly supplemented by that of my recollection of our previous interview in relation to the same subject, at which I had the honor to be accompanied by the minister of Mexico. Foreseeing, as I then did, some if not all of the painful events which have since then taken place, I hinted to you, Mr. Secretary, that it would be well if the crews of the war vessels then anchored at Panama could be ordered by the Government to lend aid to the lawful authorities of the Isthmus, whenever the latter might deem it necessary for the protection of transit and of the interests of foreigners. You listened to my remarks with favor, and doubtless acted accordingly. It is not for me to inquire why the orders, which must have been given, were not executed, but I may be allowed to deplore the causes or circumstances that led to this omission, since the burning, and, as is said, the total destruction of the city of Colon was thereby rendered possible.

I again offer you, &c.,

RICARDO BECERRA.

No. 188.

*Mr. Bayard to Mr. Becerra.*DEPARTMENT OF STATE,
Washington, April 6, 1885.

SIR: I had the honor to receive, late on the afternoon of Saturday last, the 4th instant, your note of that date, in which you are pleased to express to me the feelings of surprise, grief, and indignation with which you have seen the publication in the daily papers of a telegram from the commander of the United States steamer Galena, now at Colon, to the effect that he holds two of the most prominent of the insurgents who assisted in firing that city, and that he deemed it unsafe to deliver them to the Colombian authorities, lest they should be allowed to escape. You ask that redress be afforded for the insult which, in your judgment, Commander Kane has thus offered to the Colombian Government and people.

You do me simple justice when you intimate that I should share your surprise and grief at anything that might indicate a lack of confidence in the Colombian Government, or in its representatives, by any officer of the United States. Permit me, however, to suggest some considerations which may serve to qualify the sentiments you perhaps not unnaturally express in relation to the telegram.

While the language attributed to Commander Kane, expressed with the necessary brevity of telegraphic communication, may appear to you unpleasant, yet the time when it was written and the circumstances surrounding the writer must be justly considered before measuring the imputed offense.

It was a period of great excitement—by no means wholly allayed, be it observed—when power was changing hands almost hourly between the contending parties at Colon and along the line of the railway transit, and it was wholly uncertain who really represented the lawful Government of the United States of Colombia upon the Isthmus of Panama.

General Aizpurú, who captured Panama, was not the officer of that Government, but General Gónima, who attacked him, was such an officer. Between these two a doubtful part seems to have been played by Dr. Arosemena, the president of the State of Panama, who appears to have temporarily yielded to General Aizpurú under constraint and contingently upon the outcome of the insurrectionary attack upon Cartagena. At any rate, their actions rendered it very confusing to a third party, such as the United States naval commander, to know who represented the legitimate authority of the Colombian Government on the Isthmus. In this confusion I myself still share.

The latest dispatch received by this Government from Panama was dated April 3, and was from General Aizpurú. In that communication he assumes to speak as an authorized commander of the Government of Colombia for the whole territory of the Isthmus. Yet you informed me on the same day that General Gónima was regularly in command at Panama, and Colonel Ulloa at Colon.

A later telegram from Commander Kane, received since your note of the 4th was delivered, speaks of the presence at Colon of a force, about one hundred in number, of troops of the Colombian Government, but without indicating whether they are acting under the orders of the

regular Government commander, or obey the insurrectionary leader, General Aizpurú.

In a state of affairs so confused and confusing, Commander Kane can hardly be blamed with justice for not knowing who were the lawful authorities of the federal Government of Colombia, with which alone this Government maintains international relations; or for hesitating before giving up the two marauders who had assisted in burning the city and blocking the transit, until events had disclosed that he might do so with security.

The action of Commander Kane has been so vigorous in a direction favored and desired by the Colombian Government which you represent, and his instructions and objects have been so entirely in the line of Colombian interests, that an unfavorable construction imputing disrespectful language to him should not be placed upon an expression contained in a hasty telegram written to his superior in office.

For my part, I am positive that no offense was intended; and I trust this frank statement will entirely satisfy the friendly mind of the honorable representative of Colombia in the United States.

Accept, sir, &c.,

T. F. BAYARD.

No. 189.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, April 6, 1885.

SIR: Referring to so much of our conversation of the 3d instant as related to the dispatch of telegrams from you to the officers of the Colombian federal Government at Panama and Colon, respectively, General Gónima and Colonel Ulloa, I have the honor to communicate to you herewith copy of a telegram which I have received from Mr. Scrymser, the president of the Central and South American Telegraph Company, in which he reports for your information that he has been unable to cause the delivery of those telegrams, inasmuch as General Gónima is a prisoner in the hands of the Radicals who have taken Panama, and Colonel Ulloa is lying seriously wounded at Colon.

Accept, &c.,

T. F. BAYARD.

[Inclosure.—Telegram.]

Mr. Scrymser to Mr. Bayard.

NEW YORK, April 4, 1885.

Kindly inform Señor Becerra his message to General Gónima, Panama, cannot be delivered. He is a prisoner in hands of Radicals who have taken Panama, nor can we yet deliver his message to Colonel Ulloa, Colon. He is seriously wounded at Colon. Señor Becerra will gain time by wiring direct from Washington.

SCRYMSER.

No. 190.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, April 7, 1885. (Received April 8.)

SIR: I have the honor herewith to inclose, by way of information, an authentic copy of two telegrams which I have this day received by cable. That which is marked No. 1 is from the legitimate governor of the State of Cauca, which is near to that of Panama. That which is marked No. 2 is from Colonel Ulloa, who is in command of the militiamen of Cauca, who have been called into active service in defense of the National Government these are the same troops that beat the Colon incendiaries. I have told Colonel Ulloa to await the arrival of the national forces, which has been announced, and to enter into no understanding with the rebel Aizpurú, who is mainly responsible for the deplorable occurrences that have taken place on the Isthmus.

I renew, &c.,

RICARDO BECERRA.

[Inclosure 1.]

*Mr. Payan to Mr. Becerra.*BUENAVENTURA, *April 7, 1885.*

Panama power rebels. Government forces will be sent to recover Isthmus and restore order.

PAYAN.

[Inclosure 2.]

*Colonel Ulloa to Mr. Becerra.*COLON, *April 4.*

I was pleased to receive your telegram, which will encourage the people. After the fight I had but a small force left to protect the foreign population and their interests. Panama held by rebels. They propose arrangements. I shall remain here. Revolution in Cauca put down.

ULLOA.

No. 191.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, April 8, 1885.

SIR: On the evening of the 3d of March, ultimo, you communicated to my predecessor a copy of a telegram received by you from the authorities of Panama, reporting that the steam-tug Game Cock, belonging to the Panama Railroad Company, had been captured by insurgents, and you thereupon asked that the naval commanders of the United States should be suitably instructed in the premises, which, as you were verbally informed at the time, was done.

The Secretary of the Navy now communicates to me a report from

the commanding officer of the United States naval vessel *Galena*, stationed at Colon, from which it is learned that the *Game Cock* is not owned by citizens of the United States, but is French property, belonging to the Panama Canal Company; that at the time of her capture she was doing harbor duty temporarily for the railroad company, and that she was under the flag of the United States of Colombia. I do not understand that such temporary employment in the service of a United States corporation could entail upon this Government any obligation such as might be incumbent with respect to a vessel owned by our citizens and sailing under our flag.

Accept, &c.,

T. F. BAYARD.

No. 192.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, April 8, 1885. (Received April 8.)

SIR: I have just received, through the consul of Colombia at New York, the following telegram from Colonel Ulloa, in command of the national forces quartered in the city of Colon:

COLON, April 7, 1885.

I am informed that forces are to be sent from Cauca. I am awaiting their arrival in order to act in concert with them.

ULLOA.

It is consequently to be expected that the rebels, who now hold the city of Panama, will be attacked in a few days, and as I know but too well the nature of the elements of which they may make use in order to resist the national forces, and as those very rebels have already shown at the unfortunate city of Colon that they are capable of committing all sorts of outrages, I take the liberty most respectfully to suggest, Mr. Secretary of State, that it would be well if the American forces that have been sent for the purpose of keeping interoceanic transit open, and of protecting the lives and property of Americans residing on the Isthmus, could be informed of what is about to take place at Panama, and could receive instructions calculated to prevent, in case of extremity, a repetition of the destruction which took place at Colon.

I renew, &c.,

RICARDO BECERRA.

No. 193.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, April 8, 1885. (Received April 8.)

SIR: I have received and have read with the greatest attention the extended note of the 6th instant, which you had the kindness to address to me in reply to mine of the 4th, relative to certain opinions ex-

pressed in one of the dispatches sent by cable to the Navy Department by Cominander Kane, of the war steamer Galena, now stationed in the Colombian waters of the Isthmus of Panama.

After a careful examination, I find that the well-considered statements made in your note are so well founded, and that the purpose which therein appears to avoid wounding the honor and the just susceptibilities of the people and the legitimate authorities of Colombia is so evident and at the same time so upright, that I do not hesitate to declare that those statements are satisfactory and well calculated to strengthen the confidence which has long been felt by the people and Government of that country in the upright and friendly disposition of the United States of America. I must, in fact, believe, in view of the shortness of the time at his disposal, of the complicated nature of the circumstances, and and of the uncertainty of men and events which are the main characteristics of the present state of affairs on the Isthmus, that the officer in command of the Galena did not mean to refer to the legitimate Colombian authorities and to the tribunals of the country when, in announcing the detention on board of his vessel of two of the principal persons who were guilty of burning Colon (as he did in his report), he stated that he deemed it improper to turn them over to the acting authorities because those authorities would allow them to escape.

In view, Mr. Secretary of State, of the considerations set forth in your note, and of the lofty spirit of justice which dictated them, I abstain, at least for the present, from calling the attention of this Government to the anomalous circumstance that a vessel of war belonging to a nation friendly to Colombia, and now anchored in the territorial waters of that country, is exercising in those waters jurisdictional acts of so pronounced a character as detaining on board two Colombian citizens, concerning whose right to the enjoyment of their personal liberty and concerning whose criminality no one is competent to take cognizance except the courts of Colombia, in the manner provided by the laws of that Republic. I must suppose, in deference to the tranquilizing statements regarding the policy of this Government, that that detention, although anomalous, is temporary, and that it will cease as soon as the lawful authorities are able to receive those prisoners with safety and bring them to trial.

It will not be superfluous here, in order to remove all doubt on this subject, for me to inform you, Mr. Secretary of State, that, with the exception of General Ramon Santo Domingo Vila, constitutional governor of the State of Panama, now absent in the military service of the nation; of Dr. Pablo Arosemena, the legal substitute of said governor, and of General Carlos Gónima and Colonel Ulloa, officers commanding the federal troops, all persons who claim to exercise supreme authority, and who do, in part, exercise such authority, in the name of the nation, are mere usurpers, with no title save that of material force. Among the number of these are the rebel leader Prestan, who has been driven out of Colon, and his lieutenant and companion, Aizpurú, who now holds Panama, and will probably continue to do so until the arrival of the national forces, who will restore order there, together with the authority of the United States of Colombia.

I renew, &c.,

RICARDO BECERRA.

No. 194.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, April 9, 1885. (Received April 9.)

SIR: I yesterday had the satisfaction to receive a telegram from the President of Colombia, dated at the capital city of the Union on that same day, whereby that magistrate informs me that the entire Republic is now pacified, with the exception of the ports of Panama, in the State of that name, and those of Sabanilla, Santa Marta, and Barranquilla, in the States of Bolivar and Magdalena. Active military operations, however, were still in preparation against the rebels who hold those points in our territory, and with a view to making them more efficient various measures of a highly important character had been adopted, two of which I have the honor, in obedience to special instructions, to bring to the knowledge of this Government.

By a first decree, the Colombian Government, in the exercise of its authority, and expressly enforcing pertinent provisions of its commercial and revenue laws, declares the ports of Sabanilla and Santa Marta, in the Caribbean Sea, and the fluvial port of Barranquilla, which is very near to Sabanilla, closed to foreign commerce. All attempts to import or export goods through the aforesaid ports, after this decree is known, will therefore be considered as illicit; any trade thus carried on will be considered contraband, and the vessels, crews, &c., engaged therein will be liable (besides forfeiting the goods) to the penalties in such cases provided by the Colombian laws.

By a second decree the Government of Colombia declares that the vessels which are now stationed at the entrance to the bay of Cartagena, in the port of that name, in the Caribbean Sea, and which are there embarrassing and even making war upon international commerce, carried on under the flags of various friendly nations and by means of the vessels of the lines of regular communication which have long been established, do not belong to the United States of Colombia, and that they have no right to fly, as they nevertheless do fly, the flag of that nation. As a consequence, both their existence and their action, which are wholly irregular, put them beyond the pale of international law, and their proceedings, which are hostile to the peaceful operations of commerce at the entrance to a commercial port belonging to a nation which is at peace with the whole world, may, in all cases, be repressed by the vessels that are charged in those waters to watch over the interests of commerce in general and over the special interests of the nations to which they respectively belong.

In informing you, Mr. Secretary of State, as I hereby have the honor to do, of the restoration of peace throughout almost the entire territory of Colombia, and of the measures adopted with a view to its restoration in the ports which are still held by the rebels, I entertain the hope that this information will be gratifying to you, and that the decrees in question will have, in your estimation, the weight necessary to cause them to be considered as important to American commerce.

I offer you, &c.,

RICARDO BECERRA.

No. 195.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, April 21, 1885. (Received April 21.)

SIR: The American steamer *City of Mexico*, which, until recently, belonged to Messrs. F. Alexandre & Co., No. 33 Broadway, New York, was expressly chartered for the service of the rebellion on the Atlantic coast of Colombia by the agents who were appointed in that city early in March last by the leaders of that rebellion. On the 12th of the same month the aforesaid vessel sailed from the port of New York, being ostensibly bound to Bocas del Toro, and having on board, according to her manifest, wheat, flour, and other provisions. Bocas del Toro, however, is not a Colombian coast, with ports open to foreign commerce, and it was not true that the whole cargo was composed of the articles declared at the custom-house. She carried, moreover—and this was the principal, if not the sole, object of her trip—a large quantity of arms and munitions of war, among which were several guns such as are used for firing grape-shot.

The vessel, although she had obtained a clearance for Bocas del Toro, sailed direct to Sabanilla, where she discharged her cargo of munitions of war and delivered it to the rebels. She next, doubtless fulfilling the agreements made in her special contract, placed herself at the service of the rebels and conveyed rebel officers and soldiers to Rio Hacha, which port was occupied and defended by loyal troops, and there, acting with unexampled perfidy, which in part produced its natural effect, presented herself as a neutral merchant vessel, sailing under the American flag. Having been received in that capacity by the local authorities, the custom-house officers went on board, where they were placed under arrest; the boat in which they had come was seized, and they were in imminent danger of being shot. In the next place, the vessel, pursuing the same course of perfidy and deceit, endeavored, although unsuccessfully, to get possession of a national war schooner which was anchored in those waters.

The captain of the *City of Mexico*, who, after that series of outrages, has just anchored in the waters of New York, is named John O'Brien, and his first officer is a man named John H. McArthy, who did not hesitate to give an account of the events above enumerated to the Colombian consul in New York.

The authorities of the port of Rio Hacha inform me that they will speedily send documentary evidence of the facts stated; but in the mean time McArthy and the men composing the crew of the *City of Mexico* can and ought to be summoned to give their testimony.

To this effect I formally charge the aforesaid vessel, the *City of Mexico*, and her captain, officers, and crew, with willful and persistent violation of the neutrality laws of the United States. I also charge with similar violation the owner or owners of the vessel, and the parties who chartered her for this purpose, and who placed her, as appears from the facts, at the disposal of the rebels in Colombia.

In view, moreover, of the very great calamities and disasters which a war, aided and abetted in the United States by the most flagrant violations of the duties of neutrality, is causing in my country, I cannot do less than protest, as I hereby do protest, against these violations,

and I once more appeal to the American Government to repress and punish them in the present case, which is so clear, in my judgment, as to admit of no manner of doubt.

I once more renew, &c.,

RICARDO BECERRA.

No. 196.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, April 22, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, in the matter of the alleged violation of the neutrality laws by the American steamer City of Mexico.

I have hastened to communicate a copy of your note to the Attorney-General for his consideration. At the same time you will permit me to observe, having regard to your statement that the Colombian war, "which is aided and abetted in this country by the most flagrant violations of the duties of neutrality," that such complaint under oath and the testimony of witnesses is necessary to the institution of judicial proceedings against any person accused of violating the neutrality act.

Accept, &c.,

T. F. BAYARD.

No. 197.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, April 24, 1885.

SIR: I had the honor to receive in due course your note of the 9th instant, communicating to me the purport of the two decrees recently issued by the Colombian Government, touching foreign intercourse with certain named ports on the Atlantic coast. The subject so presented has received the detailed consideration due to its importance, and I have now the pleasure to acquaint you with the views of this Government thereon.

By the first of these decrees, as you inform me, the Colombian Government, in the exercise of its authority, and expressly enforcing pertinent provisions of its commercial and revenue laws, declares the ports of Sabanilla and Santa Marta, on the Caribbean Sea, and the fluvial port of Barranquilla, closed to foreign commerce, and denounces against the goods which may be imported thither or exported thence, and against the vessels which may engage in trade with those ports, the forfeitures and penalties fixed by Colombian law for smuggling.

By the second decree it is declared that the vessels which, under the flag of Colombia, are engaged in hostile operations against Cartagena, to the interference of lawful foreign commerce with that port, do not belong to the United States of Colombia, have no right to fly the Colombian flag, and are beyond the pale of international law, and conse-

quently their punishment by the armed force of any friendly power in those waters is invited.

Upon these several decrees I have the honor to make the following observations:

First. This Government, following the received tenets of international law, does not admit that a decree of a sovereign Government closing certain national ports in the possession of foreign enemies or of insurgents has any international effect unless sustained by a blockading force sufficient to practically close such ports.

Mr. Lawrence thus states the rule drawn from the positions taken by the administrations of Presidents Jefferson and Madison during the struggles with France and England, which grew out of the attempt to claim the right of closure—as equivalent to blockade—without effective action to that end:

Nor does the law of blockade differ in civil war from what it is in foreign war. Trade between foreigners and a port in possession of one of the parties to the contest cannot be prevented by a municipal interdict of the other. For this, on principle, the most obvious reason exists. The waters adjacent to the coast of a country are deemed within its jurisdictional limits only because they can be commanded from the shore. It thence follows that whenever the dominion over the land is lost, by its passing under the control of another power, whether in foreign war or civil war, the sovereignty over the waters capable of being controlled from the land likewise ceases. (Lawrence's note on Wheaton, Part II, ch. iv, § 5, 2d annotated ed., p. 846.)

The situation which the present decree assumes to create is analogous to that caused by the action of the Government of New Granada in 1861. The Granadian chargé d'affaires, Señor Rafael Pombo, on the 31st of March of that year, notified Mr. Seward that certain ports, among them Rio Hacha, Santa Marta, Cartagena, Sabanilla, and Zapóte, all on the Caribbean coast, had been declared to be closed to commerce whether of export or of import. There is this difference, however, that the Granadian Government then announced that war vessels of the confederation were to cruise about the ports closed to commerce for the purpose of seizing vessels which should be found violating the closure which had been decreed. It appears from Mr. Seward's note of acknowledgment to Señor Pombo, dated April 9, 1861, that the announcement then made was interpreted as a declaration that certain named ports were "in a state of blockade which should *be rendered effective by national vessels*, and of which due public notice had been given."

While the Government of the United States, in 1861, thus confirmed the doctrine it had consistently maintained from the earliest days of the Republic, that non-possessed ports might be effectually closed by a maritime blockade, the British Government then controverted the right of New Granada to resort to such a remedy. Answering an inquiry in the House of Commons, June 27, 1861, Lord John Russell, the secretary of state for foreign affairs, said:

The Government of New Granada has announced, not a blockade, but that certain ports of New Granada are to be closed. The opinion of Her Majesty's Government, after taking legal advice, is that it is perfectly competent to the Government of a country in a state of tranquillity to say which ports shall be open to trade and which shall be closed; but in the event of insurrection or civil war in that country, it is not competent for its Government to close the ports that are *de facto* in the hands of the insurgents, as that would be a violation of international law with regard to blockades.

His lordship added that orders had been given to the British naval commanders in the Caribbean Sea "not to recognize the closing of these ports." (See Parliamentary Debates, cited in Lawrence's Wheaton, 2d annotated ed., notes, pp. 46, 47, 48.)

When in 1861 the civil war in the United States broke out, this Government maintained the position that the municipal closure of domestic ports in the hands of the Confederate forces was a legitimate incident toward the maintenance of an effective blockade by sea. This was opposed by the British Government, and in the correspondence which then took place Lord John Russell repeatedly announced to Mr. Adams the same rule as he had previously announced with regard to the Granadian decree; and he finally appealed to his answer in the New Granada case for the purpose of showing that it was intended to make the rule universal. (United States Diplomatic Correspondence, 1861, pp. 90, 95, 117, 120, 177.) The British ministry ultimately went to the extreme of declaring that they would consider such a municipal enactment (that of the closure of non-possessed ports) as null and void, and that "they would not submit to measures taken on the high seas in pursuance of such decree." (Parliamentary Papers, 1862, North America, No. 1, p. 72; Lord Lyons to Lord J. Russell, August 12, 1861.)

In a speech of Mr. Cobden, made on October 25 1862 (cited in Lawrence's Wheaton, 2d annotated ed., p. 823, note), he said:

It has been distinctly intimated to America that we do not recognize their *municipal* right in the matter; and if they were to proclaim, for example, that Charleston was not to be traded with, and did not keep a sufficient force of ships there, we should go on trading with the town just as if nothing had occurred. It is only upon condition that the blockade shall be effectively maintained as between belligerents that the European powers recognize it at all.

A recent authority, Professor Perels, judge of the imperial admiralty court in Berlin, in a treatise on international maritime law, published in 1882, writes thus:

The embargo of domestic ports, no matter by what measures or for what purpose it takes place, as it has not the character of a real blockade, cannot have the same consequences. It can indeed without question be maintained, in case of need, by means of the employment of force against such neutral ships as do not choose to acquiesce in it; likewise a seizure of such neutral ships as do not find themselves prepared to submit to the measures of embargo must be considered as allowable, and it must be held in the case of active resistance that even the destruction of such ships is allowable in accordance with the rules of war; but it is inadmissible, because not grounded on international law, to condemn as good prizes on account of their cargoes neutral ships resisting such embargo. (*Op. cit.*, sec. 52.)

And it is conceded by this eminent authority that there can be, without blockade, no closure of a port not in possession of the sovereign issuing the decree.

The legislation by the Congress of the United States in 1861 relative to the closing of the ports of the South held by the Confederate armies was really conditioned on a blockade. As Mr. Seward wrote to Mr. Adams, July 21, 1861—

The law only authorizes the President to close the ports in his discretion, according as he shall regard exigencies now existing or hereafter to arise. * * * The passage of the law, taken in connection with attendant circumstances, does not necessarily indicate a legislative conviction that the ports ought to be closed, but only shows the purpose of Congress that the closing of the ports, if it is now or shall become necessary, shall not fail for want of power explicitly conferred by law. (United States Diplomatic Correspondence, 1861, p. 120.)

Under the authority so conferred certain ports were closed by formal proclamation of blockade which it thereupon became incumbent upon the Government of the United States to maintain effectively according to the prescriptions of international maritime law.

After careful examination of the authorities and precedents bearing upon this important question, I am bound to conclude, as a general principle, that a decree by a sovereign power closing to neutral commerce

ports held by its enemies, whether foreign or domestic, can have no international validity and no extraterritorial effect in the direction of imposing any obligation upon the Governments of neutral powers to recognize it or to contribute toward its enforcement by any domestic action on their part. Such a decree may indeed be necessary as a municipal enactment of the state which proclaims it, in order to clothe the executive with authority to proceed to the institution of a formal and effective blockade, but when that purpose is attained its power is exhausted. If the sovereign decreeing such closure have a naval force sufficient to maintain a blockade, and if he duly proclaim such a blockade, then he may seize, and subject to the adjudication of a prize court, vessels which may attempt to run the blockade. If he lay an embargo, then vessels attempting to evade such embargo may be forcibly repelled by him if he be in possession of the port so closed. But his decree closing ports which are held adversely to him is, by itself, entitled to no international respect. Were it otherwise the *de facto* and titular sovereigns of any determinate country or region might between them exclude all merchant ships whatever from their ports, and in this way not only ruin those engaged in trade with such states, but cause much discomfort to the nations of the world by the exclusion of necessary products found in no other market.

The decree of closure of certain named ports of Colombia contains no intimation of an ulterior purpose to resort to a proclaimed and effective blockade. It may, therefore, be premature to treat your announcement as importing such ulterior measures; but it gives me pleasure to declare that the Government of the United States will recognize any effective blockade instituted by the United States of Colombia with respect to its domestic ports not actually subject to its authority. This Government will also submit to the forcible repulsion of vessels of the United States by any embargo which Colombia may lay upon ports of which it has possession, when it has power to effect such repulsion. But the Government of the United States must regard as utterly nugatory proclamations closing ports, which the United States of Colombia do not possess, under color of a naval force which is not even pretended to be competent to constitute a blockade.

Secondly. The Government of the United States cannot regard as piratical vessels manned by parties in arms against the Government of the United States of Colombia, when such vessels are passing to and from ports held by such insurgents, or even when attacking ports in the possession of the National Government. In the late civil war, the United States at an early period of the struggle surrendered the position that those manning the Confederate cruisers were pirates under international law. The United States of Colombia cannot, sooner or later, do otherwise than accept the same view. But, however this may be, no neutral power can acquiesce in the position now taken by the Colombian Government. Whatever may be the demerits of the vessels in the power of the insurgents, or whatever may be the status of those manning them under the municipal law of Colombia, if they be brought by the act of the National Government within the operation of that law, there can be no question that such vessels, when engaged as above stated, are not, by the law of nations, *pirates*; nor can they be regarded as pirates by the United States.

The status of *purpose* or of *employment*, which the Government of Colombia seeks to create against such vessels by decreeing them to be pirates, is, of course, wholly distinct from their inherent status as *floating property*. On this latter point we are not as yet adequately informed.

The commanders of the naval vessels of the United States on the Colombian coast have, however, been told that if conclusive proof be shown that any vessels belonging to citizens of the United States have been unlawfully taken from them, the recovery of such property by the owners, or by others acting in their behalf, to the end of its restoration to their legitimate control, is warrantable. Such a right is inherent, depending wholly upon the circumstances of the case, and cannot be derived from or limited by any municipal decree of the Colombian Government like that which you now bring to my notice.

Having thus replied to the two propositions contained in your note of the 9th instant, it may not be improper to recapitulate in somewhat more of detail the historical attitude of the Government of the United States in regard to the question of closing non possessed ports, in order that its consistency may be quite evident to you.

As early as April 24, 1861, when Mr. Lincoln's administration had only been in office six weeks, but when it was already apparent that the secession movement then begun would speedily have possession of most of the ports of the Southern States, Mr. Seward addressed a circular to the ministers of the United States in Europe, in which he declared the adhesion of the United States Government to the rule that "blockades, in order to be binding, must be effective; that is to say, maintained by forces sufficient really to prevent access to the coast of the enemy." (United States Diplomatic Correspondence, 1861, p. 34.)

When President Lincoln proclaimed, as he did on the inception of the civil war, a blockade of the Southern coast, the proclamation was followed by an announcement to France and to England that the blockade would be effective in the above sense; and it is important to observe that, enormous as were the profits to be gained by blockade running and doubtful as was at least the friendliness of certain European courts toward the United States, not one of the maritime powers of Europe complained that the blockade was not effective.

Congress, it is true, adopted a few weeks later a municipal statute, as hereinbefore stated, authorizing the President, at his discretion, to close the Southern ports; but as to this measure the following observations are to be made: (a) The closure was to be a domestic act, incidental to the blockade, the permanency of which as a general measure during the civil war the President had already announced to foreign sovereigns. (b) It was to be effected in part by land forces. (c) Its institution was conditional upon the discretion of the President, which discretion was never exercised.

It is as thus qualified and explained that Mr. Seward refers, in his correspondence with Mr. Adams and Lord Lyons, to the statutes in question, but it is impossible not to see, in Mr. Seward's references, a latent appeal of great force against the action of those European powers which, at the beginning of this century, did not hesitate to convulse and devastate the world by decrees and orders in council closing ports they did not possess. They did this in the face of vehement and almost supplicatory remonstrances from the United States, and forced this Government, then young in the family of sovereignties, and naturally desirous of peace with all, most reluctantly and at great cost of blood and treasure to undertake, as at last the sole maritime contestant, wars against Great Britain and France to maintain the freedom of the seas and the invalidity of paper blockades.

With this unimpeachable record behind us, no tangible objection could be made to the validity of a blockade which was effective enough to

keep off multitudes of the most skillful navigators of those countries from the Southern ports of the United States, and the appeal had its immediate and inevitable effect. Great Britain and France, on the one hand, ceased to contest the validity and efficiency of the blockade of the Southern ports, and united, on the other hand, in the most solemn repudiation of the position formerly taken by them, that a belligerent can, by mere decree, give binding international effect to the asserted closure of a port he does not hold. And that ports not so possessed cannot be closed, even by their legitimate sovereign, without the concomitant of a duly announced and effective blockade, may be accepted as now an established rule of international law.

I have, in conclusion, to express the pleasure with which I receive your statements respecting the progress of pacification and of the restoration of authority in the United States of Colombia.

Accept, sir, &c.,

T. F. BAYARD.

No. 198.

[Telegram.*]

PANAMA.

BECERRA,

Colombian Minister, Washington:

Yesterday afternoon Aizpurú arranged with the American admiral that the latter's forces should retire to the railway station, those of Aizpurú to maintain order in the city until the arrival of the expedition from Cauca (Buenaventura), when they will go out of the city with full liberty to give battle in the open country.

Between 7 and 8 at night the Americans retired.

TELL.

No. 199.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, April 30, 1885.

SIR: I have the honor to bring to your immediate attention the inclosed copy of a letter from the United States district attorney at New York of the 29th instant (recently forwarded hither by the Attorney-General), wherein Mr. Root asks that you will furnish certain necessary information touching the revolutionary movement in the United States of Colombia, for use in connection with the neutrality proceedings against the steamship City of Mexico.

Accept, &c.

T. F. BAYARD.

* Shown to Mr. Bayard by Mr. Becerra, April 27.

[Inclosure.]

*Mr. Garland to Mr. Bayard.*DEPARTMENT OF JUSTICE,
Washington, April 29, 1885.

SIR: I have the honor to transmit to you, for your consideration, a copy of a letter of the 29th instant from United States Attorney Root, New York, in relation to the neutrality proceedings against the steamer City of Mexico and her master, and to call your attention to the suggestion of the attorney that the Colombian Minister be asked to furnish certain necessary information.

Very respectfully,

A. H. GARLAND,
Attorney-General.

[Inclosure in inclosure.]

Mr. Root to Mr. Garland.

NEW YORK, April 29, 1885.

SIR: In the neutrality proceedings against the City of Mexico and her master, of which you were advised by my letter of last Saturday, the counsel for the defense has stated that he would accept a statement by the Colombian minister in lieu of formal proof on certain matters which I think it important to bring out. I have the honor to suggest, therefore, that the minister be asked to give full information as soon as he can conveniently do it on the following points:

(1) An account of the insurrection in the United States of Colombia from its inception to April 10th last, with special reference to the State of Bolivar and the cities Barranquilla, Sabanilla, and Rio de la Hacha.

(2) The relations, official and other, to the established government of Colombia and to the insurgents during the said period, and more *particularly* during February and March last, of the following persons: Benjamin Gaitan, J. de P. Manotas, Mig. de la Espriella, Frederico Castro R., J. F. Acevedo, ——— Salgar, Rudecindo Ospina B.

(3) By whom were Barranquilla, Sabanilla, and Rio de la Hacha held during February and March?

(4) What has become of the fiscal officers of Rio de la Hacha captured by insurgent soldiers on the City of Mexico the latter part of March?

(5) What is the law of the United States of Colombia with reference to the intervention of Colombian consuls in the matter of shipments to Colombian ports?

Very respectfully,

ELIHU ROOT,
United States Attorney.

No. 200.

*Mr. Bayard to Mr. Becerra.*DEPARTMENT OF STATE,
Washington, April 30, 1885.

SIR: I have the honor to say, having reference to my note to you of this date, that pursuant to a letter from the Attorney-General of the 30th instant, the neutrality case against the City of Mexico is set down for trial on the first day of the next term of the court, which will be May 5 next.

Under these circumstances, I respectfully suggest that you furnish at once such information as you can on the points stated in the letter of Mr. Root of the 29th instant.

Accept, &c.,

T. F. BAYARD.

No. 201.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, May 1, 1885. (Received May 1.)

SIR: I hasten to transmit, in compliance with the urgent and well-founded requests of the Department of State the information which the United States attorney in the city of New York has asked for as an important element in the prosecution that has been commenced against the City of Mexico, charged with violating the neutrality laws.

I offer the following information on the first point:

Early in January last, according to an official telegram received at this legation, a party of armed men, belonging to different States of the Colombian Union, without legal authority of any kind, and being in open rebellion against the constitutional authorities of the nation, took possession, by surprise, in the upper portion of the Magdalena River—which washes the shores of seven States, and which, according to the constitution, is a national highway, subject to the federal authorities and to the laws of the Union—of five of the steam merchant vessels which navigate that river under various flags, among them that of the United States. Having obtained possession of the vessels, which could not be protected by any authorities, the rebels sailed down the river, surprising the peaceful towns along its banks, together with other vessels sailing therein, compelling those which were going up to turn back, to the great detriment of the interests of commerce and to the great inconvenience of the peaceful passengers who were on board. With the large convoy of vessels thus surprised, they reached Barranquilla unexpectedly, which port is situated on the same river, near the maritime port of Sabanilla, where there was but a small garrison of one hundred men, who were intimidated, and, believing themselves to be in the presence of a powerful enemy, abandoned the city. The perpetrators of the *coup de main* at once took possession, removed the loyal authorities from office, obtained control of the revenue offices of the nation, among them the custom house, and without delay commenced hostilities against the inhabitants of the State of Bolivar, who remained loyal to the National Government, as also against the legal Government and the peaceful citizens of the neighboring State of Magdalena. In the course of these hostilities those rebels have succeeded, being re-enforced by their allies from the various localities of that region, in holding possession of the city of Barranquilla, in controlling the seaport of Sabanilla, and subsequently in invading the State of Magdalena, and taking its capital city, Santa Marta, which is a national port, **with a custom-house.**

As they held the city of Barranquilla, which is a rich center of supplies, and thus controlled the funds of the custom-house, and the money yielded by forced loans, the rebels were enabled (1) to prevent the navigation of the river, and thus to paralyze all commercial traffic; (2) successfully to resist the national forces which left Panama for the purpose of compelling them to obey the legally constituted authorities; (3) to send forces to attack the city of Cartagena, which is obedient to the federal Government; (4) to send agents to Curaçao and New York for the purpose of procuring elements of war, so that they might be enabled to carry hostilities to the interior of the country; and, finally, (5)

to purchase those elements in the latter of the aforesaid cities, paying for them with the money which they had taken from the national coffers, and to carry hostilities to the port of Rio Hacha, which has always been and still is under the jurisdiction of the legal authorities.

On the second point:

All the persons to whom the attorney's question has reference are rebels in arms against the National Government, and some of them, such as Messrs. Manotas and Espriella, are officers of the State of Bolivar, who are unfaithful to their duty to obey the Government of the Union.

Mr. Benjamin Gaitan has been and is the principal agent, who has been employed by the rebels to charter vessels, purchase arms and munitions, and send them from the port of New York for the purpose of aiding the said rebels and carrying on warlike operations in Colombia.

On the third point:

During the months of February and March the port of Barranquilla, in the Magdalena River, and that of Sabanilla, on the sea coast, were held by the rebels. During the same time the port of Rio Hacha, in the State of Magdalena, was under the control of the legal authorities.

On the fourth and fifth points:

I am ignorant as to the whereabouts of the fiscal officers of the port of Rio Hacha, who, being deceived by the presence of a friendly flag, went on board of the City of Mexico, and were there taken prisoners.

I this day instruct the Colombian consul at New York to send the attorney the information referred to in the fifth point of his interrogatories.

I reiterate, &c.,

RICARDO BECERRA.

No. 202.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, May 2, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 1st instant, containing information desired by the United States district attorney at New York in the trial against the City of Mexico for an alleged violation of the neutrality laws, and have forwarded a copy of your note to the Attorney-General for communication to Mr. Root.

Accept, &c.,

T. F. BAYARD.

No. 203.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, May 4, 1885. (Received May 4.)

SIR: Last night and to-day I have received from Panama and Colon several cablegrams whereby the Colombian authorities inform me of their fear that the agents of the rebels at New York may succeed in

purchasing and fitting out or at least freighting a vessel capable of co-operating with their military operations against the city of Cartagena, and perhaps carrying hostilities to the Isthmus of Panama, anew, where the security of the interoceanic transit has only just been barely restored. In their expression of these fears, they go so far as to include the name of the vessel which is sought to be dispatched armed as for war, and this is no other than the Claribel, or this is at least the name transmitted by the telegraph.

Any violation of the laws of neutrality which may be successfully executed by the agents of the rebels at New York would be now the more grave and the more serious and disastrous when it is known that the bandit Prestan, who burned Colon, succeeded in escaping with his forces, and is now in the waters of Cartagena with two or three vessels violently taken by him at Portobello. The re-enforcement which such an enemy might receive would assuredly put that man in a position to repeat, perhaps, the same events at the important city of Cartagena, or at the neighboring city of Barranquilla, and renew the scenes of savage destruction which he has already enacted at the Isthmus.

I appeal, therefore, to the high spirit of justice of the Government of the United States, and I ask through the medium of the honorable Secretary of State, that it will issue new orders to exercise vigilance, and, in the appropriate case, of repression, to the end of thereby preserving the neutrality rules of the country, and at the same time preserving the threatened interests of civilization upon the Atlantic coast of Colombia.

I repeat, &c.,

RICARDO BECERRA.

No. 204.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, May 4, 1885.

SIR: I have the honor to acknowledge the receipt of your note of this day's date, in which you acquaint me with the fears of the Colombian authorities upon the Isthmus that the agents of the insurgents at New York may succeed in purchasing or freighting a vessel in aid of Prestan's movement against Cartagena, and possibly against Colon anew, and the name of the Claribel is mentioned as that of the vessel which it may be sought to equip for such hostile purpose, in view of which fears you ask that this Government give orders of vigilance, and, if need be, of repression in the case.

I have hastened to transmit copy of your note to the Secretary of the Treasury and to the Attorney-General, in order that a watch may be kept upon the Claribel. If, however, that vessel should prove to be actually engaged in the unlawful purpose you indicate, the judicial machinery for her prosecution under the statute would require to be set in motion by due complaint, under oath, with the necessary evidence.

Accept, &c.,

T. F. BAYARD.

No. 205.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,

Washington, May 9, 1885.

SIR: I have the honor to inform you, having reference to the suspected employment of the steamer *Claribel*, or some other vessel at New York, for a hostile expedition against the peace of Colombia, of the recent receipt of a letter from the Secretary of the Treasury, saying that the necessary instructions have been sent to the collector of customs there, both by telegraph and by mail, to cause a close watch to be kept on the movements of the vessel named, as well as others at the port of New York, with a view of preventing any violation of our neutrality laws.

Accept, &c.,

T. F. BAYARD.

No. 206.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,

Washington, May 11, 1885.

SIR: I have the honor to lay before you the text of a telegram of the 11th instant, addressed by the United States district attorney at New York to the Hon. A. H. Garland, Attorney-General, by whose direction it has been sent hither. Mr. Root's telegram reads as follows:

Master of *Claribel* states that he will *sail* to-morrow for Jamaica with general cargo, including about two tons war munitions, which are to be transshipped for Corn Island, consignee not known. Vessel not under charter to any one person; no other facts known to me. I see no grounds for interference.

Accept, &c.,

T. F. BAYARD.

No. 207.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,

Washington, May 14, 1885. (Received May 15.)

SIR: I have the honor to inform you that I have received your polite note of yesterday, and with it two printed copies of the communications exchanged between this legation and the Department of State with reference to the decrees of the Government of Colombia relative to the closing of ports, and the declaration that the vessels now engaged in committing acts of hostility against the city and port of Cartagena are pirates.

In acknowledging the receipt of the aforesaid note, and in thanking you for the courteous and opportune transmission of the said printed copies, I deem it expedient to ask your attention to a few considerations

in regard to one of the two points in controversy, and, at the same time, to state the reason why without in any wise accepting the principles of doctrine according to which, in your extended note of the 25th ultimo, you impugn the right of the Colombian Government to close certain ports in its territory, I nevertheless do not insist on upholding and duly elucidating that right.

It happens that the controversy on this point is now practically unimportant as regards the efficacy of the results which the Government that issued the decree in question expected thereby to secure. The strong probability of a military *dénouement* which will certainly put an end to the spoliation of various national custom-houses, and the kindly spirit in which the different navigation companies whose vessels visit that coast for purposes of trade consented to the closing of the ports, suspending all shipments to them, are two circumstances which give the measure in question the character of a definite fact, for which reason it is scarcely necessary in referring to it to leave any record of dissent with the principles of doctrine set forth, or of the regret thereby occasioned to this legation, which entertains a high respect for the judgment of this Government and for your own enlightenment.

The case is unfortunately not the same with respect to the true condition of the vessels now engaged in acts of hostility against Cartagena, the persons on board of which are threatening to give full rein there also, as their coadjutors have already done on the Isthmus, to their lamentable material irresponsibility and to the perverse instincts of their leaders. The increasing dangers which the existence and the, thus far, unrepressed action of those vessels involve, not only to the cities and towns of Colombia, but also to the interests of foreign residents on that coast, and even to the fundamental principles of international *morale* and security, as well as the fatal consequences that will result hereafter from a precedent authorized by the high respectability of the American Government, induce me to request you, Mr. Secretary of State, as I hereby very respectfully do, to reconsider, in view of the reasons which I shall endeavor to state as briefly as possible, the decision reached by you on this subject in your aforesaid note of the 25th ultimo.

The case is not, Mr. Secretary of State, as you take it for granted, that of an ordinary insurrection or civil war, in which the enemies that are contending by sea against the legally established Government cannot and ought not to be considered as pirates until they have rendered themselves deserving of that title and of the punishment which it involves by actual violations of international law to the prejudice of neutral nations. It is true that the vessels now engaged in hostilities against a portion of the Colombian coast are instruments of war in an insurrection against the regularly constituted Government of that country. It is also true that the main object of their hostilities is the authorities of that Government and the military forces that are sustaining those authorities and defending their existence.

It is necessary to examine, however, how those vessels have become instruments of war, and what is at the present time the nature of the forces that are commanding and manning them. This will enable us to ascertain what is their true character in the light of international law, which, as is well known, is the code of moral rules by which all civilized countries of the present day shape their course of conduct.

I can assure you, Mr. Secretary of State, and I will even add that there is evidence of this at the Department of State that all those vessels, with the single exception of the General Cordova, which is the property of the nation, have come into the possession of the insurgents

through the commission of acts of robbery identical in their nature and the means whereby they were committed with those which are characterized as piracy by American law (section 5370 Revised Statutes of the United States), and for whose perpetrators the penalty of death is provided.

The Game Cock, which is now known among the insurgents as the General Gaitan, belonged, for a time, at least, to the Panama Railway Company, and was forcibly removed from the Bay of Colon and taken to Cartagena by Benjamin Ruiz, one of the most active accomplices of the outlaw Pedro Prestan.

The Camacho Roldan, another of the vessels in the service of the insurgents, belongs, if I am not mistaken, to an English company, the Atlas Line, which, in the prosecution of maritime trade, navigates the Cartagena channel. This vessel was likewise forcibly taken from the service in which it was engaged and from the control of its lawful owners by Ricardo Gaitan, one of the ringleaders of the insurgents, and is now in the mouth of the channel—that is to say, in one of the localities mentioned in the aforesaid section 5370 of the Revised Statutes.

It is, moreover, a matter of public notoriety that the outlaw Prestan, after his flight from the city of Colon, which he had invaded, took forcible possession of Portobello, and of one or more large vessels, on board of which, together with many of his followers, he repaired to Cartagena, where he is now co-operating in the siege and perhaps in the ruin of that historic city.

In view of these facts, and their nature being compared with the principles on which, in the present case, American law is based, I am unable to see how it could be maintained that a flotilla thus constituted (and whose officers and men are, if not all, at least in great part, the same who committed those acts of depredation and violence) deserves to be considered as a mere instrument of war of a political insurrection. If this opinion were to prevail, being supported by so high an authority as the American Government, it would be difficult to see to what a wretched extreme of insecurity and abandonment the interests of commerce and of civilization in general would be reduced on the coasts of those countries which, like Colombia, owing to their trusting, perhaps, too implicitly in peace and in the elements which are fostered by it, have no permanent forces sufficiently strong to prevent crime, because it is evident that then all that the captors of defenseless merchant vessels would have to do, in order to secure impunity, would be to cover the latter, when once in their hands, with the flag of the same country, and declare war against the constituted authorities.

It will be urged that the repression and punishment of such outrages are matters to be attended to by the authorities of the country in which they are committed, to which it is easy to reply, first, that the state most directly injured thereby can with great difficulty prevent them, much less punish them in time.

The powerlessness which occasioned them is equally great, or still greater, to effect their punishment.

If the crime can be committed owing to the lack of vessels, it is evident that, owing to the same lack, the consequences of the depredation may be indefinitely delayed. And then the violation of international law, to the detriment of other nations, which, in such cases, is what constitutes the crime of piracy, naturally widens the jurisdiction of the judges who are to punish it. All civilized nations not only may, but ought, the case arising, to exercise that jurisdiction thus amplified, and with it their own right of self preservation and self-defense.

I am not aware that there is a single precedent in the history of the complicated enforcement of the rules of international law whereby the doctrine is established that merchant vessels which have been forcibly removed from the service in which they were engaged, by threats against the lives of their captains and crews, by surprise, and in bays, roadsteads, or mouths of rivers, "or in any river where the sea ebbs and flows," as the American statute says, can be made to constitute a regular force, worthy of the respect, not only of neutrals, but even of the very nations whose subjects or citizens have been the victims of such act of violence. In support of the opposite argument, I can cite many authoritative examples, among which the most pertinent is doubtless that of the Magellan pirates (see Phillimore), the law in which case was laid down by the English Judge Lushington. Certain individuals rose in arms, in the year 1851, against the authority of the regular Government of Chili, captured in the Strait of Magellan (which at that time had not been declared neutral by Chili) the *Eliza Cornish*, an English, and the *Florida*, an American vessel, and, after murdering one of the two captains, they placed both vessels in the service of their cause, hoisting the Chilean flag over them. The Government of that Republic (as does now that of Colombia) declared the said vessels to be pirates, and Admiral Moreby, who was then in command of the British naval station in those waters, ordered them to be pursued as such, and sent the *Virago*, a British man-of-war, for that purpose. The action of this vessel was so energetic that both vessels were speedily recaptured, and the leader of the band of insurgents and his accomplices, having been apprehended, were turned over to the Chilean courts, and were subsequently tried and punished as pirates.

"I am of opinion," said Judge Lushington, in the final decision pronounced by him in this case, "that the persons who did these acts were guilty of piracy. * * * It has been said that these acts were not committed on the high seas, and, therefore, this murder and robbery not properly or legally piratical. But in this case the ships were carried away and navigated by the very same persons who originally seized them [just as in the Colombian case]. I consider the possession at sea to have been a piratical possession, and the carrying away the ships on the high seas to have been piratical acts."

The agreement of the facts and the nature of the doctrine established could not be more striking; I mean the agreement of the facts with those of the origin of the vessels that are now making war upon the inhabitants of the Colombian coast, and the agreement of the doctrine above established with the fundamental principles of American law on the subject of piracy.

The manner in which the aforesaid vessels were converted into instruments of war in the service of the insurgents having been sufficiently elucidated, it remains to examine the character subsequently assumed by the forces of those insurgents which are now operating against Cartagena.

It is well known that the incendiary of Colon, at the head of about seventy of his accomplices, arrived in that port on board of the vessels captured by him at Portobello, and that a command was at once given to him among the forces of the insurgents, who, by this fact alone, lose any title that they otherwise might have had to consideration as representatives of an armed political movement. This is true, because, by associating with such men, and, what is even more serious, by giving a superior military command to their depraved leader, and with it the

means of committing at Cartagena a crime equal to that committed at Colon, those insurgents declared by implication, though none the less positively, that they accepted the responsibility and consequently the disgrace of that act of vandalism, thereby pursuing a different course from that of the insurgent leader at Panama, who at least tried to extenuate his own guilt by stipulating (although unnecessarily and although he had no right to do so) for the punishment of his lieutenant.

The territory which was partially laid waste by the torch of Prestan and his accomplices is, to a great extent, neutral territory, free to all nations, and open to their commerce and their people; in a word, it is the means possessed by those nations for communication between two hemispheres, and there the interests of the civilization of the present day have met, as it were, on common ground, in order that they may be mutually benefited and harmonized. For these numerous reasons it is proper to ask how those same nations and those same interests which were savagely attacked on the Isthmus of Panama by Prestan and his accomplices can respect that leader, his auxiliaries of yesterday and his upholders of to-day, now that the scene of his action has changed; how the United States Navy, which was, to a certain extent, a victim of the outrages and felonious acts of that outlaw, after having co-operated, in the name of its Government and in fulfillment of a treaty, in checking him at Colon, is now to respect him at Cartagena, considering him and his vessels as regular forces of an insurrectionary movement. The English admiral who recaptured the *Eliza Cornish* and the *Florida*, also took *Cambiaso*, the leader of the insurrection and the captor of those vessels, and it is certain that, if he had succeeded in escaping, and joined the partizans of his cause in any other part of the country, that mere change of locality would have affected neither the right by which the British officer so opportunely acted nor the principle on which he thus acted.

I take the liberty to call your attention, Mr. Secretary of State, to these decisive circumstances, and likewise to the no less important one that the United States, being bound by a treaty to guarantee the neutrality and safety of transit across the Isthmus of Panama, their Government cannot be indifferent to anything closely connected with that important obligation, owing to the mere circumstance of a change of locality. It would be inconsistent, to say the least, for the criminals who have disturbed the safety of transit across the Isthmus to be considered as mere insurgents against the authority of the Colombian Government, because they have retired to Cartagena, where they surely desire to secure a foothold, in order to return to their work of disturbance and devastation on the Isthmus.

These are the considerations which, without expecting (much less asking) from the United States Government more than has been mutually promised to each other by all civilized nations for the repression and punishment of the crime of piracy, I very respectfully submit to your enlightened judgment, Mr. Secretary of State, in the hope that they may induce you to view the subject now under discussion in the light in which it seems to me that I have presented it in this note, which I hope will, in due time, be also published.

I have, &c.,

RICARDO BECERRA.

No. 208.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, May 27, 1885. (Received May 27.)

SIR: I have information whose authenticity and reliable source sufficiently authorize me to assure the Government of the honorable Secretary of State that the brig Ambrose Light, captured on the 17th instant by the American war vessel Alliance, in the Caribbean Sea, under circumstances which caused her, with reason, to be suspected, was bought in Philadelphia for the use of the Colombian rebels by their agent, Benjamin Gaitan, who sent her with some munitions of war to the scene of the rebellion, where she was detailed for the transportation of troops. The said agent, the purchaser of the vessel, has just given this information to the Colombian consul at New York, assuredly because the rebellion being overcome, he has no further interest in pursuing or in concealing his operations.

I therefore request the honorable Secretary of State to be kind enough to consider the information alluded to and to forward it, in the manner he may deem most appropriate, to the officer intrusted with elucidating the facts relative to the ownership, character, and capture of the said vessel.

It gives me pleasure to renew, &c.,

RICARDO BECERRA.

No. 209.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, June 1, 1885.

SIR: I have had the honor to receive your note of the 27th ultimo, in regard to the brig Ambrose Light, recently captured by the U. S. S. Alliance in the Caribbean Sea, and have transmitted a copy of your note to the honorable A. H. Garland, Attorney-General, for his consideration and action.

Accept, &c.,

T. F. BAYARD.

No. 210.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, June 1, 1885.

SIR: I have the honor to call your attention to the inclosed copy of a decree of the President of the United States of Colombia, which I am informed by our consul at Barranquilla, under date of the 24th April, was published in the Official Gazette of the 12th February last, and is dated the 10th of the same month.

By Article I of this decree the payment of custom-house dues in any place incidentally occupied by rebel forces, not only does not exempt the

respective importers of the goods which have already paid duties to the insurgents from their obligations to the national treasury, but will be a reason for adding to such obligations 50 per cent. of the amount of duties illegally paid, if immediate payment is refused, and the collectors are further instructed to proceed immediately to a collection of such dues, as also of the extra 50 per cent. in case of delay, and are required to make a report to the treasurer of all such importers as have paid duties to the rebels.

Our consul at Barranquilla informs me that on the 17th April the foreign consuls in Barranquilla protested collectively to the military commander of the city against the decree in question. The reply of the general is herewith inclosed. It does not appear from the consul's dispatch whether this decree has been enforced and the duty been actually collected, but it is probable that now that the rebellion is partially overcome all means of raising revenue have been adopted, and I desire, in anticipation of the protests of our merchants, to express the views of his Government on the subject.

The question as to how far a government is responsible to its citizens and foreigners within its borders for losses occasioned by insurgents may perhaps be open to argument, but there can be no question that no Government has the right to inflict a punishment (for this double tax, with superadded penalty, amounts to a punishment) on neutral and peaceful merchants who have been compelled by military force to contribute against their will to the revolutionary funds or supplies, as if such merchants were voluntarily aiding and abetting the rebellion.

A Government is bound to use all proper measures to protect the denizens within its borders from revolutionary acts, and in case it fails to insure such protection, it cannot with any justice hold the citizens of foreign nations responsible for its own weakness and failure to protect them, by imposing on them a penalty or fine for the very occurrences which the Government itself was bound to avert. Such a course of action as is authorized by the decree of the 10th February would be especially objectionable as being a retroactive revenue measure at ports admitted to have been beyond the control of the Government at the time the rebel dues were paid. Should an attempt be made to justify it on the ground of being in effect a fine for illicit trading with ports assumed to be embargoed, as mentioned in the President of Colombia's decree of the 9th April, I must again use the arguments in my note of the 24th ultimo to those decrees, and contend that a blockade must be efficient to be recognized, and that executive measures relative to ports over which the Government has no control can only be considered as nugatory.

Hoping that your Government will view this question in an equitable light and reconsider this decree, which must prove so harassing to our merchants,

I have, &c.,

T. F. BAYARD.

[Inclosure 1.—Translation.]

Decree No. 173 of 1885 of the President of the United States of Colombia.

The President of the United States of Colombia :

Whereas that, in conformity with the articles 149 and 150 of the fiscal code of the union, importation duties ought to be paid in the respective custom-house, that is to say, in that in which the duties have been occasioned, or in the general treasure of the union, it is decreed :

ARTICLE I. The payments of the importation duties that have been made to persons having no legitimate official character in any custom-house or place of the Repub-

lie, incidentally occupied by rebel forces, not only does not exempt the respective importers from the obligation contracted by them or their agents in favor of the national treasure, but will be a cause for adding to the debt 50 per cent. on the amount of duties erroneously paid, provided the importer or his agents having been advised, deny the immediate payment of the duties occasioned in favor of the public treasure.

ARTICLE II. The collectors of customs of the Republic shall proceed immediately to require the importers mentioned in the above article, in order that the payments of duties which they owe shall be delivered to the national treasure, and not to persons without any official character, and if they do not pay immediately the collectors shall proceed to collect the amounts plus the 50 per cent. mentioned in the same article making use of those means in accord with their jurisdiction, not only against the principal debtor, but also against his respective liabilities.

ARTICLE III. In respect to the payments of the importation duties that ought to have been made to the general treasure, and are mentioned in the Article I of this decree, the general treasurer shall proceed as determined by the Article II of the same.

ARTICLE IV. The collectors of customs of the Republic shall pass immediately to the general treasurer a memorandum of the persons that ought to have paid their importation duties to this office, and have given it to persons without any legitimate official character.

Given at Bogota, the 10th day of February, 1885.

The secretary of the treasury,

RAFAEL NUÑEZ.

JORGE HOLGUIN.

[Inclosure 2.—Translation.]

Protest of the Foreign Consuls at Barranquilla against Decree No. 173 of 1885.

BARRANQUILLA, April 17, 1885.

GENERAL-IN-CHIEF OF THE MILITARY FORCES OF THE PLACE:

By decree No. 173 of the 10th of February last, published in the Official Gazette of the nation, No. 6309, the 12th of the same month, the national executive power directs that the payment of import duties made to individuals who have no legitimate official character not only does not exempt the importers from the obligations contracted by them or their agents in favor of the national treasure, but will furnish a reason for adding to the debt 50 per cent. of the amount of the importation duties illegally paid.

This place and its custom-house being occupied by military forces that have not been recognized by the National Government, and who have no recognized legitimate official character, and they having demanded from the importers payment of custom-house bonds made in favor of the national treasure for customs duties previously incurred, the undersigned, to protect from the responsibility that would be incurred in the payment of the said bonds by the subjects and citizens of the nations we represent, protest against the payment of the said bonds which the military forces of the place are now exacting, and we protest also against every other payment of this kind or of an analogous nature made or that shall be made in future taxing and obliging foreign merchants to pay by armed force.

With respectful consideration, your humble servants,

D. LÓPEZ PENHA, JR.,

The Consul-General of the Netherlands.

AUGUST STRUNZ,

The Imperial and Royal Austro-Hungarian Consul.

FRED. STACY,

British Consul.

M. SIEFKEN,

Consul of the German Empire.

O. BERNE,

Consul of Belgium.

THOS. M. DAWSON,

United States Consul.

D. L. PENHA, JR.,

Consul of Spain.

JUAN ARMELLA,

Consul of His Majesty the King of Italy.

J. XIQUES,

Consul of Venezuela.

O. BERNE,

Vice-Consul of France.

[Inclosure 3.—Translation.]

Reply of General Acevedo to the consuls' protest.

UNITED STATES OF COLOMBIA,
 GENERAL STAFF OF THE ARMY OF THE ATLANTIC,
Barranquilla, April 20, 1885.

Messrs. D. LÓPEZ PENHA, Jr., *Consul-General of the Netherlands*; AUGUST STRUNZ,
Consul of Austria Hungary, &c. :

The citizen general-in-chief of the Atlantic army has commanded me concerning the memorial dated the 17th instant, which the Messrs. consuls of the Netherlands and of France delivered in person into the hands of one of the officers of my department, with the recommendation that it be given to me. Said citizen general has communicated to me instructions to resolve thus :

The memorial says the object of the present note is that "by decree No. 173 of the 10th of February last, published in the Official Gazette of the nation, No. 6309, the 12th of the same month, the national executive power directs that the payment of import duties made to individuals who have no legitimate official character not only does not exempt the importers from the obligations contracted by them or their agents in favor of the national treasure, but will furnish a reason for adding to the debt 50 per cent. of the amount of the importation duties illegally paid."

That decree of the Government of Mr. Núñez causes the protest of the Messrs. consuls, in guarding the rights of their countrymen, who have been compelled by the constitutional forces to pay duties incurred and owed on written obligations. Said protest is also extended to any further cases of force to make effective payments of a similar character.

Former laws already annulled, and other acts of a legislative character yet in force, as the decree cited, prohibit absolutely the voluntary payments made to persons not invested with an official character to receive duties or imposts; but the same laws have been expressed in other terms in the sense that the compulsion produces indiscriminately the irresponsibility not only in respect to the tribute but also in respect to the treasurers or collectors having an official character.

This doctrine is in accordance with the natural law, and is recognized as a principle of universal legislation. The civilized nations have established in their civil code as a legal exception to freedom from the responsibility, execution or omission of acts or obligatory contracts, the intervention of greater force when that is exercised particularly against the debtor.

If it be that the protest refers to the exigency mentioned, the payment of duties treated of in the well-known decree, No. 173, the representative of the constitutional forces in the Atlantic states accepts the protest in order that in any event he may furnish a suitable proposition to which the Messrs. consuls may agree.

I am, &c.,

JOSÉ F. ACEVEDO.

Authentic. The adjutant-general's secretary,

ROBINSON MALDONADO M.

No. 211.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, June 15, 1885.

SIR: After a slight delay, due to the pressure of urgent public affairs and partly to the necessity of awaiting a translation of the paper I am about to consider, I have the honor to acknowledge the receipt of your note of the 14th ultimo in relation to mine to you of the 24th of April last, concerning the recent decrees of the Federal Government of the United States of Colombia, by which certain ports of the Caribbean coast were declared closed to commerce without the institution of effective blockade, and by which, also, certain described vessels on that coast were declared to be pirates and their capture invited by the forces of any foreign sovereign.

I am pleased to learn that the altered circumstances at the time you write render it unnecessary, in your judgment, to place upon record any dissent from the position taken by this Government with respect to the attempted enunciation by that of Colombia of a claim of closure of maritime ports which is denied by the consensus of modern opinion and which the Government of the United States could not admit.

On the second point, you invite a direct issue by denying the position I assumed with regard to the vessels which your Government had assumed to declare piratical.

The principle upon which I based my note of April 24 was, generally, that there cannot be *paper piracy* with international effects and obligations any more than there can be a *paper blockade* of effective character. In the one case as in the other no force or effect can be communicated by a municipal decree which is not inherent in the case itself, and I felt constrained to announce to you that this Government could not deem itself bound in any manner by such a decree, either as entailing any international obligation or as conferring upon it any derived jurisdiction in the premises. The position seemed so self-evident and is so abundantly supported by authority that I deemed it quite unnecessary to enter into argument or collation of precedents to sustain the simple announcement.

It would seem, however, that you have misunderstood that announcement, and you now seek to controvert on the assumption that it recognizes the vessels mentioned in the Colombian decree as legitimate belligerents, thereby divesting them of whatever inherent piratical character they may possess. Your argument, and the precedent of the Magellan pirates adduced by you, aim to show that vessels of this character, even though ostensibly in the service of a hostile insurrection, may be tainted with piracy to a degree to bring them within the jurisdiction of a foreign State whose forces may have captured them on the high seas.

This position I am not disposed to deny, but I then did feel bound to deny, and do so still, that a municipal decree of a sovereign can communicate to a single vessel, or in comprehensive terms to a class of vessels, a character of piracy which they may not already possess under the circumstances surrounding each particular vessel, or that a foreign sovereign can derive or exercise any power, obligation, or jurisdiction in virtue of such a municipal decree which it does not already possess in the nature of the case under the law of nations. Were any foreign government to exercise such right or jurisdiction in the case of a vessel found committing acts in themselves piratical, a decree of this character could only, by the widest stretch, be deemed an acquiescence in and voluntary confirmation of the power and right so exercised by the law of nations. It could not be held to confer the right to capture and judge an actual pirate any more than, assuming the contrary position by way of hypothesis, it could deny or assume to annul that right in a given case.

I find the general *dictum* of modern authority in this relation so well summed up by Calvo—whose impartiality as a jurist has never been questioned—that I cite his observations thereon in full:

Has a Government a fundamental right to declare pirates and to punish with death rebels who sail the seas in order to capture property belonging to subjects or citizens remaining faithful to the established power? To solve this question, it is unnecessary to take into account the number and the situation of the rebels with respect to the Government they attack, and the extent, organization and material forces of the insurrection.

In principle, and so long as no more is proposed than the overthrow of the established power—the substitution of one Government for another—rebellion is a political crime pertaining exclusively to the internal public law of each nation; its criminal character, and the civil or military jurisdiction under which it should be, depend, therefore, on the special domestic laws governing the matter. The Government whose existence is set at stake by the rebellion is free and sovereign to proceed against and repress in its own way, by the forces at its command, attacks which may be leveled against it, *but it is not sufficient for it to attach to the act the qualification of piracy to cause such a rebellion to be transformed ipso facto, in the eyes of foreign states, into a crime against the law of nations, and to become punishable as such.* So true is this, that the country wherein has broken out a rebellion, which by its strength and duration assumes the character of a civil war, may from its own point of view, and to suit its own convenience, behold only acts of piracy in operations which other countries, aloof from the contest, may consider and respect as belligerent acts. (Calvo, *Droit International*, 2d ed., 1870, 1, 390.)

A striking instance of the application of this principle occurred in Spain in 1873. An insurrection broke out in the province of Murcia, and the navy-yard at Cartagena was seized. The vessels found there, among them powerful ironclads, were manned and sent to cruise along the Mediterranean coast against the power of the established Government, to whom they belonged, and by whom they had been purchased or built. The president of the executive power by decree proclaimed those vessels to be *pirates*, and invited their capture as lawful prize, by any power, whereupon the commander of a German iron-clad captured one of the revolted vessels in the Mediterranean. It was adjudged by the German admiralty court that the captured vessel was not good prize, because not a pirate under the law of nations, and that the German commander could derive no power or warrant from the municipal decree of the Spanish Government.

The case of the Magellan pirates, to which you refer, was adjudged on its merits to have been one of piracy *per se*, as is, indeed, abundantly evident from the facts narrated in Phillimore's summary, which you follow. Of the vessels seized by the mutinous convicts, one was British, the other American. The British admiral, Moresby, was not claimed to have acted in virtue of or in obedience to any decree of the Chilean Government, such as that to which you refer. He needed no such authority under the law of nations, nor could he have derived an iota of authority from such Chilean decree in the absence of international authority. In respect of the British vessel, the *Eliza Cornish*, he undoubtedly exercised the right of recovery of stolen property, which, as I explained to you in my note of April 24, is an inherent right, apart from the international-law right to capture an actual pirate, *hostis humani generis*. Had I deemed that the plain ground taken by the United States Government required elucidation or fortification by recorded precedent, I would have taken the case of the Magellan pirates as the nearest and aptest at hand, and I would have appended to it the following additional quotation from Calvo, which follows the passage above cited:

As for isolated revolts, in a certain sense individual acts, and leading to predatory acts on the high seas committed under a flag which is not recognized as belonging to a constituted and sovereign state, it is evident that they fully involve assimilation with piracy and repression as a crime against the law of nations." (*Op. cit.*, 1, 391.)

It is to the class of crimes thus described by Calvo that the fifty-three hundred and seventieth section of the Revised Statutes of the United States, cited by you, refers.

It is evident, however, that the piratical character of such acts, and the consequent jurisdiction of any sovereign power in respect thereof, must depend on the circumstances of the individual case, and cannot

be derived from such a municipal enactment as the decree of the Colombian Government now under our consideration.

That the Government of the United States fully comprehends its international-law duty in the premises is shown by the tenor of the instructions recently sent to its naval officers in the Caribbean Sea. Under those orders a vessel, the Ambrose Light, has been captured by one of our cruisers; and is now on its way to the United States for submission to the judgment of the courts. The responsibility accruing to our naval commanders under those instructions requires the reasonable ascertainment of the fact of piratical seizure or of the commission of piratical acts under the law of nations, in the case of each vessel.

It does not seem necessary for me now to answer, further than by way of allusion, the point you make that the guarantees of the treaty of 1846, relative to the keeping open of a specified transit route, are not impaired by reason of a change of locality, on the part of those disturbing that transit, to another place in Colombian territory. If this point be seriously urged, and its mere statement be not its own sufficient refutation, I shall be happy to meet it.

Under all the circumstances, I am constrained to reaffirm the position heretofore announced on behalf of this Government, that the Colombian decree declaring certain vessels in the service of the insurgents to be pirates cannot be recognized by the United States as importing international effects.

Accept, sir, &c.,

T. F. BAYARD.

No. 212.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, June 16, 1885.

SIR: Referring to your note of the 27th ultimo, touching the captured brig Ambrose Light, I have the honor to say that according to a letter of the Attorney-General, the Colombian consul at New York was asked by Mr. Root, United States attorney for the southern district of New York, to call at his office, with his witnesses, in order that he might determine whether proceedings for breach of the neutrality laws should be instituted, but up to the date of the letter of Mr. Root (9th June) he had not responded.

Accept, &c.,

T. F. BAYARD.

No. 213.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, June 18, 1885. (Received June 19.)

SIR: The national authorities of Panama have just sent me a telegram whereby they inform me that certain agents of the rebellion in the island of Jamaica have purchased a steamer called the Vertumnus, for the service of that cause, and they add that it has been cleared for the port of New York, to the end that it may there be armed as a vessel of war.

The said vessel has, indeed, arrived with a cargo of fruit, consigned to Messrs. Wessels & Co., of New York, and from the information which I have thus far been able to obtain, I cannot do less than consider the information which I have received from Panama as important.

I therefore beg, Mr. Secretary of State, that acting once more in accordance with your ever upright measures in behalf of the neutrality of the United States of America, and of the laws which consecrate and uphold the same, you will be pleased to issue such orders as you may deem best adapted to prevent the aforesaid vessel (if it has really been purchased by the rebels) from being fitted out for warlike purposes in this country, and from sailing for the waters of Colombia in an attitude hostile to the legal authorities of that Republic.

Special agents, who have been appointed by me for the purpose in the city of New York, will transmit to the authorities all the reliable information that they can obtain with regard to the real purpose for which the said vessel has been purchased, and with regard to its real ownership.

I renew, &c.,

RICARDO BECERRA.

No. 214.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA, AT WASHINGTON,
Washington, June 18, 1885. (Received June 19.)

SIR: I have read, with the deepest regret, your polite note of the 16th instant, whereby I am informed that the consul of Colombia at New York has delayed replying to an important communication that was addressed to him by the representative in that city of the Department of Justice in relation to the case of the brig Ambrose Light.

I have already addressed the aforesaid consul, not only for the purpose of asking an explanation of this singular delay, but also for that of urging him to display in future the utmost activity and zeal in everything whereby he can second the upright and diligent action of the American authorities in behalf of neutrality, and can frustrate the designs of those who, to the prejudice of both Republics, endeavor to violate the laws which establish and guarantee that neutrality.

I beg you, Mr Secretary of State, to accept and transmit to the officers of the Department of Justice my special apologies for the failure in question, which I trust will not be repeated, and I reiterate to you, &c.,

RICARDO BECERRA.

No. 215.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, June 19, 1885.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, in which you communicate to me the information you have received by telegraph from the national authorities at Panama concern-

ing the alleged purchase in Jamaica of the steamer Vertumnus by the agents of the Colombian insurgents and the dispatch of that vessel to New York, there to be fitted out for hostile operations against Colombia.

Copy of your letter will be sent to-day to the Attorney-General with the request that the United States attorney at New York be instructed to take whatever steps may be necessary in view of competent evidence being adduced to show that the Vertumnus is violating or about to violate the laws of the United States.

Permit me, however, to remind you that complaint or information, made under oath by any person or persons cognizant of the facts, and lodged before a judicial tribunal or magistrate, is the usual and requisite way of setting the necessary proceedings on foot in order to establish the alleged violation of law and to apply the provided remedy.

The United States attorney at New York will be requested to lend all necessary aid to the agents of the Colombian Government in making out a case for action.

Accept, &c.,

T. F. BAYARD.

No. 216.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, June 20, 1885.

SIR: Acknowledging the receipt of your note of the 18th instant, I have the honor to say that its statements concerning your regret for the delayed action of the Colombian consul at New York, in the matter of the brig Ambrose Light, have been made known to the Attorney-General.

Accept, &c.,

T. F. BAYARD.

No. 217.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, June 22, 1885.

SIR: I have the honor to inclose a copy of a letter from the Attorney-General, calling attention to discrepancies in the statements received by the United States attorney, southern district of New York, in the matter of the brig Ambrose Light.

Accept, &c.,

T. F. BAYARD.

[Inclosure.]

Mr. Garland to Mr. Bayard.

DEPARTMENT OF JUSTICE,
Washington, June 19, 1885.

SIR: I have the honor to send you for your information a copy of a letter of the 18th instant from Mr. Root, by his assistant, attorney of the United States for the

southern district of New York, calling attention to discrepancies in the official information given the attorney by the Colombian minister at Washington and the Colombian consul at New York.

Very respectfully,

A. H. GARLAND,
Attorney-General.

[Inclosure in inclosure.]

Mr. Clarke to Mr. Garland.

OFFICE OF THE UNITED STATES ATTORNEY
FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, June 18, 1885.

SIR: I have the honor to call your attention to a discrepancy in the official information given the district attorney by the Colombian minister at Washington and by the Colombian consul here in regard to the brig Ambrose Light, captured by the United States ship Alliance.

Your letter of 2d instant inclosed a copy of the note of the Colombian minister to the Secretary of State, dated May 27, 1885, wherein the minister states: "I have information whose authenticity and reliable source authorizes me to state to the Government of the honorable Secretary of State that the brig Ambrose Light, which was captured on the 17th instant by the American war vessel Alliance on the Caribbean Sea, under circumstances which gave reasons to suspect her, was purchased at Philadelphia for the Colombian rebels by their agent, Benjamin Gaitan, who dispatched her with some munitions of war to the scene of the rebellion, where she was assigned to the transportation of troops. This aforesaid agent, the purchaser of the vessel, has just given this information to the consul of Colombia at New York, &c."

Upon the receipt of your letter the district attorney wrote the Colombian consul, giving him the substance of the minister's statement, and asking him to call at this office with his witnesses, to the end that it might be ascertained whether there had been a breach of our neutrality laws.

I have now at hand the reply of the consul to the district attorney's letter, in which he states: "I deem it convenient to advise you that I have said nothing in reference to Mr. Gaitan purchasing the Ambrose Light, neither his having dispatched her with munitions of war to the Colombian rebels. He merely informed me that the brig had been purchased at Barranquilla by the revolutionists."

Very respectfully,

SAM'L B. CLARKE,
Assistant United States Attorney.

No. 218.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, July 3, 1885.

SIR: With reference to the correspondence between this Department and your legation, concerning the brig Ambrose Light, I have the honor to inclose a copy of a letter from the Attorney-General, together with a copy of the report which he incloses from Mr. Root, attorney of the United States for the southern district of New York.

The evidence does not show the transfer of the Ambrose Light to have been performed within United States jurisdiction, as part of a hostile expeditionary movement against Colombia, or in violation of the neutrality laws. (United States Revised Statutes, Title LXVII.)

Accept, &c.,

T. F. BAYARD.

[Inclosure.]

*Mr. Garland to Mr. Bayard.*DEPARTMENT OF JUSTICE,
Washington, June 25, 1885.

SIR: I have the honor to send you the accompanying copy of a report of the 23d instant, from Mr. Root, attorney of the United States for the southern district of New York, of his action in the matter of the brig Ambrose Light.

I have, &c.,

A. H. GARLAND,
Attorney-General.

[Inclosure in inclosure.]

Mr. Root to Mr. Garland.

[Office of the United States attorney for the southern district of New York.]

NEW YORK, *June 23, 1885.*

SIR: Your letter of June 2, transmitting a copy of the note of the Colombian minister of May 27, 1885, to the Secretary of State, in regard to the brig Ambrose Light, directed me to take such measures as I might deem proper, to investigate the facts relative to the ownership, character, and capture of said vessel, with a view to the prevention of any breach of the neutrality laws in connection therewith.

I have the honor to report that I have made such investigation, and that I have been unable to obtain any testimony that substantiates the statement of the minister that the "Ambrose Light was purchased at Philadelphia for the Colombian rebels, by their agent, Benjamin Gaitan, who dispatched her with some munitions of war to the scene of the rebellion, where she was assigned to the transportation of troops."

The Colombian consul when called upon for witnesses whose testimony would support the charge, named to me two persons who would, if requested, call at this office and make their declarations. They were the master of the Ambrose Light, Gaspar Rodriguez, and Benjamin Gaitan, who is referred to in the minister's letter.

On my request, Mr. Gaitan called here this morning with Mr. Santiago Perez Triana, who acted as interpreter. Mr. Gaitan stated that he did not purchase and was not concerned in the purchase of the Ambrose Light; that she was not purchased at Philadelphia or anywhere in the United States, to his knowledge; that he did not dispatch her from the United States either with or without munitions of war to the scene of the rebellion; that he had nothing to do with her personally, and that the only information that he had about her was that she was sold at Barranquilla by her American owner to private persons there, whom he understood to be Ramon Collente and Adam Gaitan; and that these persons chartered her to the insurgents for the transport of troops to Cartagena.

The other person named by the consul, Gaspar Rodriguez, did not respond in person to my request that he would call here, but instead sent a lawyer, who stated that his client's information was that the Ambrose Light was sold by her former American owner at Barranquilla to Ramon Collente.

The result is that the witnesses cited by the Colombian authorities, instead of supporting the charge made, speak directly against it.

Very respectfully, &c.,

ELIHU ROOT,
United States Attorney.

No. 219.

Mr. Holguin and Mr. Becerra to Mr. Bayard.

[Telegram.]

NEW YORK, *July 31, 1885.*

Barranquilla occupied by the Government forces. The port will be opened at once. Prestan taken and tried.

HOLGUIN.
BECERRA.

No. 220.

Mr. Bayard to Mr. Holguin and Mr. Becerra.

[Telegram.—Extract.]

DEPARTMENT OF STATE,
Washington, July 31, 1885.

The speedy pacification of Colombia, which the recovery of Barranquilla presages, is hailed with satisfaction.

* * * * *

T. F. BAYARD.

No. 221.

Mr. Becerra to Mr. Bayard.

[Telegram.]

CAPE MAY, N. J., August 28, 1885.

Peace in Colombia. Prestan hanged to-day in Colon.

BECERRA.

No. 222.

Mr. Becerra to Mr. Bayard.

[Translation.]

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, December 3, 1885. (Received December 4.)

SIR: I have the honor to inform you that the Colombian Government by a decree issued *ad hoc* has declared that only the importers who freely and voluntarily paid the imposts levied on their imports to the rebels who succeeded in getting possession of some of the said ports of entry, are obliged to make the payment over again, together with a penalty; bona fide importers, who were compelled to pay under duress, are in consequence free from all responsibility.

At the same time, I have the honor to inclose a true copy of the new provisions issued by my Government concerning foreigners resident in the country who have claims arising out of the latest events of the war.

I am, &c.,

RICARDO BECERRA.

[Inclosure.—Translation.]

DECREE No. 549.

AUGUST 19, 1885.

The President of the United States of Colombia:

Whereas (1) the management of foreign affairs belongs exclusively to the General Government, and the latter is responsible for the observance of the public treaties made with other nations, and of the principles of the law of nations; (2) and whereas the present rebellion has been directed to the subversion of the established order throughout the whole nation, and whereas, likewise, the international liability of the Republic being in question, the laws of the latter are those which are to be applied in a civil or a criminal case, decree:

ARTICLE 1. Prosecution for the crime of rebellion or for any others against the public order, committed by foreigners resident in the territory of the Union, are within the jurisdiction of the General Government.

Consequently the national judges of the States and territories shall have cognizance' in the first instance, of the cases mentioned, and the federal supreme court on appeal.

ART. 2. Claims against the Republic growing out of subsidies, forced loans, expropriations, or losses caused in the rebellion, presented by foreigners, who have not lost their neutrality, shall be decided by international mixed commissions, framed in accordance with the agreements of special treaties, which may be made with the various embassies.

SEC. —. In case one or more of the countries interested should be unwilling to make the treaties necessary to the purpose indicated in this article, the respective claims thereof shall be heard and decided by the judiciary of the Union in the ordinary way.

ART. 3. To provide for the amount of the indemnities which the Republic may be condemned to pay by the international mixed commissions mentioned in the preceding article, 6 per cent. of the imposts levied at the custom-houses of the Atlantic and Cuanto are set apart. With this view bonds issued to foreigners receivable in payment of dues to the amount of the said 6 per cent. shall be issued bearing 6 per cent. annual interest.

Publication ordered.

Given at Bogota, August 19, 1885.

RAFAEL NUÑEZ,
President.

By the secretary of state,

ARISTIDES CALDERON.

A copy.

AGUSTIN A. JIMENEZ,
Secretary of Legation.

No. 223.

Mr. Bayard to Mr. Becerra.

DEPARTMENT OF STATE,
Washington, December 11, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 3rd instant, informing me of a special decree of your Government, supplementary to the decree concerning which you were addressed on June 1 last. That decree required that not only should the importers at ports in Colombia (held and controlled at the time by rebel troops) from whom duties were collected by the insurgents, be required to make the said payment a second time to the National Government when it had regained control, but also to make an additional payment of 50 per cent. thereon in case of delay. The present decree limits the above liability, restricting it to cases where the importers freely and voluntarily paid duties to the rebels.

Referring to the terms of my note of June 1, respecting the first decree, the Government of the United States assumes, in respect of this supplementary decree, that no unreasonable proof will be required of the involuntary character of the payments to the insurgent agents. It is well known that in times of armed insurrection, when forced loans and arbitrary extortion are resorted to, the usual forms of protest are not permitted, and the parties levied upon are almost invariably constrained to submit, rather than run the danger of incurring by a show of resistance double burdens and greater loss.

Even under the normal operation of Colombian laws a protest against such levies may entail a penalty. This was the case with the decree against which my note of June 1 last remonstrated, for it assumed to add 50 per cent. in the case of those merchants who should refuse payment to the agents of the constitutional Government of duties already paid by them to the insurgents when in sole control.

In the disorganized and unprotected condition of society at the Colombian ports in question during the period referred to, it would be indeed surprising to learn that any American importer there had been permitted to make or file formal protest against the payment of customs duties to the rebel authorities. Under such circumstances the rational and necessary presumption is that they yielded to *vis major* and paid under duress, unless the contrary be distinctly shown.

We trust that the manifest justice and reasonableness of this will be borne in mind, in executing the Colombian decree now announced by you, which, regardless of all rational presumption, seems to throw upon the sufferers the burden of proof that positive coercion was resorted to against them.

Accept, sir, &c.,

T. F. BAYARD.

CONGO.

No. 224.

Mr. Frelinghuysen to Mr. Tisdell.

[Extract.]

No. 1.]

DEPARTMENT OF STATE,

Washington, September 8, 1884.

SIR: The act making appropriations for the diplomatic and consular service, approved July 7, 1884, provides "for an agent to the States or the Congo Association, \$5,000, said agent to be charged with introducing and extending the commerce of the United States in the Congo Valley, and for such purpose the further sum of \$10,000, or so much thereof as may be necessary; and the President is hereby authorized to appoint, in the recess of the Senate, such agent, whose commission shall expire at the end of the next session of the Senate."

Pursuant to this provision you have been appointed, and you are instructed to proceed, at the earliest practicable moment and by the most available route, to your field of duty.

You are charged by the act with "introducing and extending the commerce of the United States in the Congo Valley," but you are well aware that in view of the present political, economical, and commercial conditions there existing, your inquiries, being directed strictly to the end contemplated by the act, must of necessity, and to accomplish the object sought, cover a broad field, and your reports must be full upon three principal divisions, viz, the political, the geographical, and the commercial situation; for on all these points must we have trustworthy information, if we are to introduce and extend our commerce in that region.

Your field of investigation will therefore commence at the mouth of the Congo, by which you will reach the States of the Association, and you will prosecute your inquiries as high up the river as you may find it advisable without exceeding the appropriation made by Congress.

The following points are given as an outline of what is expected, but your inquiries need not necessarily be confined within the limits thus laid down. The geography of the Congo Valley in its relations to trade is not well known in this country. With the exception of Mr. Stanley's book, and some few other and comparatively brief descriptions, there

is but little to which reference can be had for information on the subject. These books do not contain that practical information necessary to the merchant and trader, and this is especially true because of the changes in the facilities for transportation, which the rapid opening of the country is effecting. This want, it is hoped, you may be able in some measure to supply, directing your attention more particularly to that class of geographical information necessary and interesting to those engaged in commerce, rather than to more scientific and technical matters. The depth of water in the river at different points, the available harbors and landings at and near its mouth, with their advantages, disadvantages, and peculiarities, the amount of river navigation in the upper river and its tributaries, how, where, and how often it is interrupted, and how these interruptions are practically overcome, the roads (where there are any) and their character, and the methods and cost of transportation over them; all these and other matters which will undoubtedly occur to you may be advantageously embraced in the report.

In connection with the commercial condition of the country, the topography, the soil, climate, education, organization of society, morals, statistics of population, finance, extent and location of stations and settlements available to oceanic or inland transportation, the production, consumption, and trade of the country, as well as the prices of labor and living, the money in use, and the methods of barter or sale, are legitimate subjects of inquiry and investigation.

Commerce cannot flourish except under enlightened methods of political government. The economical methods and administrative systems of a country have an immediate and vital effect upon trade. Therefore the political condition of the Congo country comes within the scope of your mission as outlined by Congress.

An American citizen first traced the Congo to the sea, and were we to admit the validity of a claim to sovereignty over this region based on discovery, the United States might well assert certain rights which they have not set up. The policy of this country has been consistent in avoiding entangling alliances and in refraining from interference in the affairs of other nations. From that policy there is no intention of departing; at the same time the rights, commercial and political, of our citizens must be protected, and in the valley of the Upper Congo we claim those rights to be equal to those of any other nation. In speaking of the Upper Congo I do not mean to prejudge the political position at its mouth.

* * * * *

While this country has not committed itself as to the conflicting political claims over the Lower Congo, it has recognized the flag of the International Society by an agreement dated the 22d of April, 1884, of which I inclose a copy, which is so full in its statement of our position that it seems unnecessary to now add anything in explanation of this point.

You will therefore report upon the political situation of both the Upper and Lower Congo Valley, explaining the Portuguese claims, those of France and the International Association, and anything else in this direction which you may deem of interest, especially as to any commercial or political agreements, should such exist, with native tribes or between the nations, or any of them, and the International Association. You will also report as to the system of laws in force upon different portions of the river, and where no code of laws exist what system is in force for the protection of the rights of the individual. The system of executive and judicial administration, the system of customs and dues, the

charges on shipping, and other forms and methods of financial administration and taxes on trade should also receive your attention.

Everything that relates to the political or commercial condition of the International Society, and their relations to the natives, their tenure of power, and relations with foreign nations will be read with interest.

This Government, in its anxiety to obtain its proper share of the commerce of the Congo, has deemed it proper to intrust the preliminary work to your keeping.

Your report should not only show the actual political and commercial condition and geographical extent of the country occupied by the International Association of the Congo, but should also show the natural advantages of that region for agriculture and commerce, and what steps seem necessary in order to obtain our share of the commercial advantages offered.

While it is important that accurate information as to the political, the geographical, and the commercial situation of the Congo should be obtained, the effort should be made to find out without delay what articles the inhabitants of the Congo Valley are in need of, or what American manufactures or products would there find a market, and thus, in the language of the act, introduce and extend the commerce of the United States in the Congo Valley. Both the people and the Government of the United States will be much better satisfied with the early extension and increase of our commerce there than by any other result of your mission.

You are expected to be diligent in the prosecution of your duty, and to finish it with all convenient speed.

At the end of your mission you will make a full report upon it for transmission to Congress, but prior to that time you will keep the Department fully informed as to your movements, sending in time for communication to Congress at the opening of its next session a preliminary report containing such information as you may have been able to obtain up to that time.

* * * * *

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 1.]

Declaration by the International Association of the Congo.

The International Association of the Congo hereby declares that by treaties with the legitimate sovereigns in the basins of the Congo and of the Niadi-Kialun and in adjacent territories upon the Atlantic, there has been ceded to it territory for the use and benefit of Free States established under the care and supervision of the said Association in the said basins and adjacent territories, to which cession the said Free States of right succeed.

That the said International Association has adopted for itself and for the said Free States, as their standard, the flag of the International African Association, being a blue flag with a golden star in the center.

That the said Association and the said States have resolved to levy no custom-house duties upon goods or articles of merchandise imported into their territories or brought by the route which has been constructed around the Congo cataracts; this they have done with a view of enabling commerce to penetrate into equatorial Africa.

That they guarantee to foreigners settling in their territories the right to purchase, sell, or lease lands and buildings situated therein, to establish commercial houses, and to there carry on trade upon the sole condition that they shall obey the laws. They pledge themselves, moreover, never to grant to the citizens of one nation any

advantages without immediately extending the same to the citizens of all other nations, and to do all in their power to prevent the slave trade.

In testimony whereof Henry S. Sanford, duly empowered therefor by the said Association, acting for itself and for the said Free States, has hereunto set his hand and affixed his seal this 22d day of April, 1884, in the city of Washington.

[SEAL.]

H. L. SANFORD.

Frederick T. Frelinghuysen, Secretary of State, duly empowered therefor by the President of the United States of America, and pursuant to the advice and consent of the Senate heretofore given, acknowledges the receipt of the foregoing notification from the International Association of the Congo, and declares that, in harmony with the traditional policy of the United States, which enjoins a proper regard for the commercial interests of their citizens while at the same time avoiding interference with controversies between other powers as well as alliances with foreign nations, the Government of the United States announces its sympathy with and approval of the humane and benevolent purposes of the International Association of the Congo, administering, as it does, the interests of the Free States there established, and will order the officers of the United States, both on land and sea, to recognize the flag of the International African Association as the flag of a friendly Government.

In testimony whereof he has hereunto set his hand and affixed his seal this 22d day of April, A. D. 1884, in the city of Washington.

[SEAL.]

FRED'K T. FRELINGHUYSEN.

No. 225.

Mr. Tisdal to Mr. Frelinghuysen.

[Extract.]

LONDON, November 23, 1884. (Received December 9.)

SIR: * * * I have the honor * * * to give you the result of my investigation thus far, although impressing upon you the fact that the information obtained has been gleaned from the official records of the Association, from interviews with gentlemen highly connected therewith, and particularly from specific verbal reports from Mr. Stanley, and while I have gathered the information contained in this report from sources which I believe to be trustworthy, I present it to you merely as the expression of persons more or less interested in the success of the Free States of the Congo and I beg to reserve any distinct personal expression until I shall have satisfied myself of its correctness by direct observations on the ground.

* * * * *

Barely seven years have elapsed since Mr. Henry M. Stanley, an American citizen, made known the course of the Congo, explored its valley, and published to the world the fact that more than 1,000,000 of square miles of territory of great fertility, and with an estimated population of about 50,000,000; hitherto practically unknown, and with boundless resources, could be made accessible to the commerce of the world. Since that time Mr. Stanley, as the agent of the International African Association, has been engaged in opening the way for this commerce and other civilizing influences, by treaties with the native chiefs and the establishment of means of communication with the remote interior. By the explorations of Mr. Stanley and his subordinates, acting for the International African Association, it is shown that a territory of inexhaustible resources has been opened to the enterprise of enlightened nations, and the eagerness with which European and American traders and missionaries are rushing into this vast country shows the importance that is attached thereto.

The Congo region would appear to be one of the most fertile on the globe, and with the recognition of the Free States of the Congo by the powers, it would seem that the inducements offered to the bona fide settlers for agricultural or trading purposes are such as will, at no distant date, attract there multitudes from all countries. No word has yet come from the Congo country to refute the statements made as to its enormous resources. On the contrary, I have been shown many letters of recent date which confirm the published reports; we may, therefore, fairly believe that the Congo Valley surpasses in wealth the valley of the Amazon and that the climate in the up-country is as good as that in the southern part of our own country. In this connection I may say that meteorological observations show that the mean temperature on the Upper Congo is 76° F.

We want the products of this country, and its inhabitants want the manufactured goods of our own. How can this interchange be brought about? It will be long years before the native labor can be wholly relied upon to prepare their products for a market, because they have never known the value of the natural productions of their land, nor have they had occasion to know it until now, nature having provided for their every want. At present they find civilization dawning upon them, and they welcome it with a cordiality hitherto unknown in heathen lands. The field would seem to be an inviting one for the colored people of our country, as it is within their power to educate and civilize fifty millions of blacks, who in time must become an important element in the new nation of the Free States which are so surely being brought into political life through the efforts of the International African Association.

I cannot enter much into detail as to the present commerce on the Congo until I shall have first made a visit to each of the factories and trading stations, but I can give you a good illustration as to what is expected. Perhaps the fact which I shall cite may open the eyes of our business men who are suffering from the depressed condition of our export and import trade, and prompt them to investigate the new fields which seem to offer inducements not to be left unnoticed.

In Senate Report No. 393, first session Forty-eighth Congress, there appears a table showing the exports from Banana, at the mouth of the Congo, by the Dutch African Trading Company of Rotterdam, in the year 1879. It has been verified to me that in the year 1883 the export of the same class of products by the same company was more than treble that of 1879. In 1883 the Dutch African Trading Company exported from ports north of Saint Paul de Loando, including the Lower Congo, 4,500 tons of rubber alone, and of this quantity 2,600 tons were sold by the company to New York and Boston merchants, it having been shipped from the coast of Africa to Rotterdam, and thence to the United States. The Dutch African Company trades with the natives wholly by barter, taking from them ivory, palm oil, gum copal, rubber, ground nuts, &c., and giving in return cotton goods, tobacco, rum, gin, powder, fire-arms, hatchets, knives, beads, copper and brass-wire, and notions. Nearly all these goods might be supplied from the United States, yet none come from there to-day.

There are five companies of like character, with numerous subsidiary factories, doing business on the Lower Congo; and if the statement of the business transacted by the Dutch Trading Company is fairly applicable to the other trading companies, it can readily be seen that an enormous trade is already carried on without great effort. We can therefore hardly realize the proportions that this trade is likely to reach when developed on the Upper Congo. The rubber trade of the Dutch

company has been done on the sea-coast, and when it is considered that the coast is the poorest part of the whole country, and the valley of the Congo the richest, it may be assumed that the 10,000 miles of coast or shore (two banks) along the great navigable rivers which have been opened up by Mr. Stanley's explorations, must be capable of yielding greater results than can possibly be obtained along the few hundreds of miles of sea-coast, wherein the trade has thus far been principally confined.

* * * * *

The International Association has secured an independent route between the Atlantic Ocean and the Upper Congo.

* * * * *

Treaties were made with the chiefs of tribes throughout the region drained by the Niada Kwilu and along the coast line for a distance of about 300 miles for the cession or protectorate of this territory, and for the planting therein of a chain of stations, sixteen in all, to establish a connection. Originally the acquisition of this territory was considered as an act of self-protection by the International Association, but now that the powers have practically recognized the Free States of the Congo, this territory becomes a part thereof, and affords besides the Lower Congo another and important outlet for the commerce of the upper country.

The International African Association, formed for purely philanthropic purposes, was the outcome of a geographical conference which met at Brussels in 1876. Leopold II, King of the Belgians, was made its president by the unanimous agreement of distinguished representatives, men from nearly all of the European countries and from the United States. The programme which was adopted had the treble end in view "of organizing the scientific exploration of the still unknown regions of Africa, of opening up paths to civilization, and of seeking the means of gradually extinguishing the traffic in slaves."

* * * * *

Branches of the International Association were subsequently established in most of the European countries and in the United States; the first one in our own country opened in May, 1877, being under the presidency of Mr. Chief Justice Daly, and later, and now, I believe, under the presidency of the Hon. J. H. B. Latrobe.

An executive committee was elected, and was composed of the King of the Belgians, president, Dr. Nachtigall, M. de Quatrefayes, and Mr. Henry S. Sanford, of Florida, formerly the United States minister to Belgium; this committee represented the German, Latin, and English speaking races. Committees were formed in every country represented in the Association to collect the funds necessary to begin and maintain the work laid out, but outside of Belgium the offerings were small, and of the enormous expenses incurred to date (already about \$5,000,000) in the prosecution of its work in opening up the Congo Basin to civilization and freedom, the greater part has, it is understood, been provided by Leopold II, King of the Belgians, who, apart from the motives of high philanthropy which prompted this work, has, as is stated, desired to perpetuate by a permanent monument the memory of an only son.

The work of the Association began by sending expeditions by way of Zanzibar to establish a line of stations on the route to Lake Tanganyka, and a principal station on this lake to serve as a refuge and to become the point of departure for a journey of exploration towards the Atlantic

Ocean, along which route stations were to be established at convenient distances apart. The Belgian branch was most prominent in this work, but the German and French branches also established each a station. The last station of the Belgian branch was actually opened on the western shore of Lake Tanganyka, opposite Karema, in the very center of Africa. Meanwhile Mr. Stanley, having crossed the continent, discovered and descended the Congo, had returned to Europe, when he was soon after engaged by the International African Association to prosecute its work, as a special branch, under the name of the *Comité d'études du Haut-Congo*. This commission, however, soon outgrew its modest programme and was merged into the Association proper. Territory has been acquired, posts have been established, steamers of the Association ply upon the waters both of the Lower and Upper Congo, and the natives flock to the banks of the rivers to barter their crude products. The two flags which are not identified in the eyes of the negroes as having covered the slave trade are those of the International Association and our own, and these two emblems are everywhere received by the natives throughout the entire Congo regions as symbols of freedom and peace.

This work has thus gradually developed into the grand proportions indicated by annexed table, by which freedom of commerce and of religion, and the suppression of the slave trade are assured over a territory of about 1,000,000 square miles; it is certainly the most extraordinary incident of private philanthropy known to history.

The current expenses this year alone in sustaining forty-four stations, founding new ones, giving tributes to chiefs with whom hundreds of treaties have been made, in keeping and in paying for the service of one hundred and fifty American and European officers and employés of color, I am credibly informed amounts to \$700,000; and all this is expended with the unselfish purpose of doing good, without any expectation or desire for pecuniary return or profit.

As the Department has been already informed, it is the purpose of the association to establish a political government and administration under the name of the "Free States of the Congo," the constitution of which I have reason to know has been prepared with the help of eminent jurists, and will, in all probability, be laid before the conference in Berlin before its sittings will have ended. This constitution appears to be based mainly upon the British colonial system, dividing the country into three states or provinces, under a governor-general, himself dependent upon the Executive.

The question will naturally be asked, what are the means of providing for the support of this infant state? The same princely founder, as I am informed by good authority, will, in addition to the plant already established, the resources to come from mines, land sales, and rents, excise on liquor, revenue from public works, &c., give a fixed sum of money in perpetuity, to meet the expenses of the government until it shall have become self-sustaining.

At the earliest possible moment I shall give to the Department full reports as to the existing commerce, and the possibilities for the future. At this time no one can speak with certainty upon the subject. Soon, however, these millions of people, inhabiting the interior of Africa, will, under the inspiring influence of civilization, become purchasers of every kind of provisions, manufactured goods, agricultural implements, &c., and I can see no reason why the people of the United States should not come in for a large share of the valuable trade which must soon be developed in this region.

In the course of an address recently delivered by Mr. Stanley before the members of the chamber of commerce in Manchester, he very cleverly referred to the coming demands for cotton cloths alone in the Congo valley, his remarks creating most enthusiastic applause. As a result of the showing made by Mr. Stanley, several manufacturers of cotton goods have dispatched agents to the Congo to investigate and report upon the possibility of their being able to realize the hope which has thus been inspired. I quote as follows, from Mr. Stanley's address :

I was interested the other day in making a curious calculation, which was, supposing that all the inhabitants of the Congo basin were simply to have one Sunday dress each, how many yards of Manchester cloth would be required, and the amazing number was 320,000,000 yards, just for one Sunday dress. Proceeding still further with these figures, I found that two Sunday dresses and four everyday dresses would in one year amount to 3,840,000,000 yards, which, at 2*d.* per yard, would be of the value of £16,000,000. The more I pondered upon these things, I discovered that I could not limit these stores of cotton cloth to day dresses. I would have to provide for night dresses also, and these would consume 160,000,000 yards. Then the grave clothes come into mind, and, as a poor lunatic who burned Bolobo Station destroyed 30,000 yards of cloth in order that he should not be cheated out of a respectable burial, I really feared for a time that the millions would get beyond measurable calculation. However, putting such accidents aside, I estimate that, if my figures of population are approximately correct, 2,000,000 die every year, and to bury these decently, and according to the custom of those who possess cloth, 16,000,000 yards will be required, while the 40,000 chiefs will require an average of 100 yards each, or 4,000,000 yards. I regarded these figures with great satisfaction, and I was about to close my remarks upon the millions of yards of cloth that Manchester would perhaps be required to produce, when I discovered that I had neglected to provide for the family wardrobe or currency chest, for you must know that in Lower Congo there is scarcely a family that has not a cloth fund of about a dozen pieces of about 24 yards each. This is a very important institution; otherwise how are the family necessities to be provided for? How are the fathers and mothers of families to go to market to buy greens, bread, oil, ground nuts, chickens, fish, and goats, and how is the petty trade to be conducted? How is ivory to be purchased, the gums, rubber, dye powders, gunpowder, copper slugs, guns, trinkets, knives, and swords to be bought without a supply of cloth?

Now, 8,000,000 families at 300 yards each will require 2,400,000,000. You all know how perishable such currency must be; but if you sum up these several millions of yards, and value all of them at the average price of 2*d.* per yard, you will find that it will be possible for Manchester to create a trade, in the course of time, in cottons in the Congo basin, amounting in value to about £26,000,000 annually. I have said nothing about Rochdale savelist, or your own superior prints, your gorgeous handkerchiefs with their variegated patterns, your checks and striped cloths, your ticking and twills. I must satisfy myself with suggesting them; your own imagination will no doubt carry you to the limbo of immeasurable and incalculable millions.

I ask your attention particularly to the inclosures numbered 1 to 6, being, 1, map of Equatorial Africa, from the latest surveys and reports, made by the agents of the International Association; 2, names of the presidents of the branch National Committee of the Industrial Association; 3, list of treaties concluded by agents of the International Association and districts wherein territory has been ceded; 4, table showing river and sea coast frontage within the territory of the association, with distances from station to station; 5, names of stations belonging to the International Association, with number of men employed, &c.; 6, manifests of the International Association.

* * * * *

I have, &c.,

W. P. TISDEL.

19 FOR

[Inclosure 1.]

National committees of the International African Association.

Order.	Country.	Presidents.
1	Germany	Prince Henry VII.
2	Austria	Baron Hoffman.
3	Belgium	Count of Flanders.
4	Spain	His Majesty the King.
5	United States	Hon. John H. B. Latrobe.
6	France	Count Ferdinand de Lesseps.
7	Hungary	Archbishop of Kaloesa.
8	Italy	Duke of Aoste.
9	Netherlands	Prince Henri.
10	Dutch Colonies	J. H. der Kinderen.
11	Portugal	M. Barbosa due Bocage.
12	Russia	The Grand Duke Constantine.
13	Switzerland	M. de Beaumont.

[Inclosure 2.]

Treaties concluded by the agents of the International Congo Association with the chiefs of tribes in the basin of the Congo and the Niado Kwilu.

District in which territories are ceded.	No of treaties.	District in which territories are ceded.	No of treaties.	District in which territories are ceded.	No of treaties.
Boma	14	Msuata	3	Franktown	32
Kkungula	14	Kwamouth	2	Stanley Niadi	16
Vivi	8	Bolobo	6	Stéphanieville	37
Tsanghila	19	Lukolela	2	Phillippeville	8
Manyanga	25	Ngondo	1	Monkoumbi	* 10
Palaballa	2	Equator	12	Mboko Loongo	21
Rubytown	19	Bangala	14	Bansa	33
Voonda	4	Rudolfstadt	8	Rudolfstadt	29
Lukungu	7	Bauduinville	11		
Lutété	10	Kitabi	16		
Stanley Pool	11				394

[Inclosure 3.]

River frontage on the Congo.

Localities.	On the right bank.	To Nokki.	On the left bank.
	<i>Miles.</i>		<i>Miles.</i>
From Boma to Vivi	45	From Nua Mposo to Leopoldville	285
From Vivi to Tsanghila	52	From Leopoldville to Kwamouth	99
From Tsanghila to Manyanga	88	Above Kwamouth	10
From Manyanga to N'Kinke River	60	Near Tchumbiri	5
From N'Kinke River to Gordon Bennett River	30	Near Bolobo	30
From Ubangi to Bangalla	150	Near Lukolela	18
From Bangalla to Oporto	160	Near Ngondo Ngombe	30
From Oporto to Ttimbiri	120	From Trebu to Equator	56
From Ttimbiri to Aruwini	110	Near Uranga	30
From Aruwini to Stanley Falls	160	From Uranga to Falls Station	410
	975		973

Localities.	Distance.	Localities.	Distance.
	<i>Miles.</i>		<i>Miles.</i>
River frontage on the Kwilu Niadi:		Phillippeville to Leopoldville by land	100
Rudolfstadt to Bauduinville	50	Coast frontage on the Atlantic:	
Bauduinville to Kitabi	25	Seth Comma to N'Yanga	70
Kitabi to Stanley Niadi	125	N'Yanga to Muyamba	50
Stanley Niadi to Stéphanieville	50	Muyamba to Rudolfstadt	100
Stéphanieville to Phillippeville	50	Rudolfstadt to Chessanga	6
	280		226

[Inclosure 4.]

Stations belonging to the International Association, &c.

No.	Name of station.	Number of white men.	Colored men, laborers, and police.	Steamboats.	Sailing vessels.	Steel whale-boats or lighters.	Wooden whale-boats or lighters.	Gigs or canoes.	Number of boatmen.
1	Boma	14	36	1	1		4	6	
2	Tkungula	1	14					2	
3	Nokki							2	
4	Vivi	24	190	3		1	2	2	
5	Nua Mposo	2	19						
6	Tssanghila	4	54			3		2	
7	Roby Town	2	50						
8	Voonda	1	12					2	
9	Lukunga		22						
10	Manyanga	3	38					2	
11	N'Gombi	1	40					2	
12	Lutété	1	14						
13	N'Goma		2						
14	Sabuka		8						
15	Leopoldville	18	179	4					
16	Kinchassa	2	22						
17	Kinipoko	1	16						
18	Msuaita	2	16						
19	Kwamouth	2	25						
20	Bolobe	2	25						
21	Lukolela	2	25						
22	N'Gondo	1	20						
23	Equator Station	2	25						
24	Bangalla	1	30						
25	Upoto	1	25						
26	Aruwini								
27	Falls Station	2	32						
28	Sette Camma	2	12				1		9
29	N'Yanga	1	10				1		9
30	Mayumba	1	10				1		9
31	Rudolfstadt	3	50				2		18
32	Grantville	5	50		2		2		18
33	Alexandraville	1	20				2		24
34	Beaudoumville	2	15					2	7
35	Kitabi	1	12					1	7
36	Franktown	1	12					2	14
37	Sengi	1	12					2	7
38	Stanley Niadi	1	12					1	7
39	Stéphanieville	2	15					2	14
40	Philippeville	2	15					2	14
41	Mboko Longho	1	15					2	7
42	Strachville	1	25					2	14
43	Bausa Mbuka Yama	1						2	7
44	Mukumbi	2	15						
45	Mazala	1	10						7

NOTE.—One hundred and eighteen white men, 1,249 laborers and police, 8 steamboats, 3 sailing-vessels, 4 steel lighters, 6 wooden lighters, 2 gigs, 112 boatmen; porters innumerable and employed as found necessary.

[Inclosure 5.]

Manifesto of the International Association.

The Association have declared to the Government of the United States that they have resolved to levy no customs duties whatever upon goods imported into their territories, whether by land or water, the sole object being to enable commerce to follow the Association's advance into inner equatorial Africa; that a guarantee is given to foreigners settling in their territories of the right to purchase, sell, or lease lands and buildings situated therein, to establish commercial houses, and trade upon the sole condition of obedience to the laws of the State. The Association pledge themselves also not to grant to the citizens of one nation any advantages without extending the same to the citizens of all other nations, and to do all in their power to prevent the slave trade.

The Secretary of State of the Government of the United States acknowledged the receipt of the foregoing notification, and declared that the Government of the United States announced its sympathy with, and approval of, the humane and benevolent purposes of the Association, administering, as it does, the interests of the Free States

there established, and will order the officers of the United States both on land and sea to recognize the flag of the Association as the flag of a friendly Government.

From the date of these reciprocal declarations the Congo territory became open to free commerce, and the forces at the disposal of the Association were able to insure order and tranquillity in the country.

The headquarters of the Association are established in Brussels, because from thence flow the financial resources which have sustained the enterprise for the last six years. Liberia was upheld financially for thirty-nine years by the American Colonization Society. When the new State shall have been recognized by Europe the fountain-head will continue to furnish supplies, which are a substitute for the customs dues which have been publicly renounced. It is reasonably hoped that commerce will be attracted by the exceptional advantages to be found in the new State, and that a considerable impulse will be given to trade, thus enhancing the hitherto undeveloped natural resources of the country and creating public wealth. The European traders on the Congo are unanimous in their desire that the present condition of things shall not be disturbed, by which all can freely enter into commercial negotiations with the natives. Full satisfaction to this desire is given by the Association; absolute freedom of trade is insured, with the advantage of a civilized power to assist them in case of necessity. However it may be, the Association does not press England to recognize their sovereignty. They simply say "examine this work impartially, and judge of its merits, and until you are satisfied make no engagements which shall close forever the commercial liberty in the Congo Valley for which we are striving."

With regard to the question how it is proposed to govern the Congo States, the legislation of the Congo territory, subject to the supervision and control of the Association, shall be based upon the principles of law recognized by civilized nations, and upon the philanthropic principles set forth in the well-known plan of the Association, whose aim is to civilize Africa by encouragement given to legitimate trade. At first, account will be taken of the actual state of the native population; administration and judicial organization will march in a parallel line with the progress of these populations. Meanwhile the country will be governed, as it is at present, by an administrator-general, who will have at his disposal the necessary means for the maintenance of public order. It may be asked, how do you propose to support the Government without customs duties? Far from constituting the only resources of a state, the customs duties only represent a part of its revenue and the least important portion of it. Eminent economists condemn customs from a fiscal point of view. They admit their usefulness only as a temporary means for the protection of some new-born trade with a future before it. In any other case they regard customs in the light of a tax that is more costly than productive, because by thwarting commercial liberty it burdens the production of wealth. This doctrine is also that of Richard Cobden and John Bright, and has been adopted by the Association. They consider, like these two illustrious representatives of the Manchester school, that when two nations freely exchange the produce of their countries they both increase respectively their capital and derive benefit from the transaction. The exchange of produce between two nations is generally followed by interchange of ideas, and it will then be seen how judicious was the decision taken by the Association not to establish customs on their frontiers and it will then be understood how deserving is the Association of the congratulations of those who take an interest in the moral and material progress of the African races. By granting entire freedom to trade, and by abolishing custom-house vexations, the Association wish to attract to their territories commerce and capital. The Congo region abounds in produce of various kinds now lost to the world, although industry might turn it to such marvelous account. Thanks to trade, all this produce will enter into circulation; the counterpart of its value will return to Africa, for which it will prove a source of prosperity. The Congo State will then be in the same circumstances as all civilized countries we know, and will then be able to bear the expenses of its public services by and through the wealth obtained by its natural resources.

The Association possess a capital at their disposal of which the interest has sufficed hitherto to cover the expenses of their work. As soon as the State shall have been recognized by the civilized nations, and its political existence assured, this capital will be employed to endow the new State which will then have been founded. The interest derived from this endowment fund will be equal to the revenue which might be obtained by a system of custom-house duties. It will suffice to defray all expenses of the new State until such time as the increase of public wealth, the natural increase in the white population, will allow of its fulfilling all its engagements, as has just been explained.

Thus the future of the new State has been secured, and the death of its founders would no more imperil its existence than that of King Leopold I imperilled the existence of Belgium or the death of George Peabody imperilled the endowment fund that bears his name.

When a large number of white men shall have permanently settled in the country, will they, it may also be asked, have any part in the government? The legislation given to the new State will decide after what manner the divers interests are to be represented in the Government. It is impossible to give more precise information as to what will be the legislation of the future, just as it is impossible to predict the changes that will be introduced into the constitution of the different nations of the world. The first laws given will be nearly similar to those adopted for the colonies of the British Crown. The central power will reside in Belgium so long as the revenues emanate from the headquarters of the Association. By that power shall be chosen the functionaries for the different posts in Europe or in Africa. The selection will be made without reference to nationality, competency being the principal requirement.

When the new State is definitely established, the direction in Africa shall consist of a governor-general, assisted by a legislative council and an executive committee. The judicial organization is to comprise commercial courts of justice, inferior courts for civil causes, a superior court, and a court of appeal.

The cases which may be referred to the central power are fully determined by law. The natives are admitted on an equality with the Europeans before the law, provided they fulfill the obligations prescribed by law. Every sensible and practical man will understand that the authorities will have to show some consideration for the habits and the ideas of the natives in matters of administration and justice. Before laying down new laws and regulations applicable to them, a period of transition must be allowed to pass, during which they may continue to follow their own customs as long as these are not atrocious and inhuman.

The new State has formally declared that there shall be no customs duties established. The revenue derived from the endowment fund will be in lieu of the funds which the customs dues would have furnished. To obtain the complementary resources which will be necessary to insure the regular working of the public services, the new State will have recourse to the same expedients, when necessary, as those employed by other civilized Governments, though for the present such considerations are altogether premature. The right to settle, purchase, or sell or lease lands and buildings, establish houses and trade freely has been formally granted in the declaration to the United States Government. Provisionally differences between natives will be settled according to existing local customs. Quarrels and disputes between Europeans and natives are to belong to the jurisdiction of the law courts that will be established.

No. 226.

Mr. Frelinghuysen to Mr. Tisdell.

[Extract.]

No. 6.]

DEPARTMENT OF STATE,
Washington, December 12, 1884.

SIR: * * * When you were designated as agent to the States of the Congo Association it was not intended, either by this Department or by Congress, to actually accredit you to the Government of the States of the Congo Association, as it was well known here that those States, as a political entity, did not exist.

You were charged with introducing and extending the commerce of the United States in the Congo Valley, and in order to definitely fix the scope of your mission, you were designated as agent to the States of the Congo Association, because it was believed here that the residents of the region adjoining and including the Congo Valley seemed on the verge of establishing constitutional States by progressive movement in that direction.

Your designation was geographical rather than political.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 227.

*Mr. Tisdell to Mr. Bayard.*LISBON, PORTUGAL,
April 25, 1885. (Received May 18.)

SIR: I have the honor to report my return to the coast at Banana, the 20th ultimo, having traveled by special caravan to the interior of Africa as far as Stanley Pool, around and to the north and east of which I made several explorations, calling at Kinchassa, De Brazzaville, and other points, and visiting the native villages bordering the Pool. I regret to inform you that I was unable to proceed farther into the interior, as was my intention, but the want of river transportation prevented, and I was reluctantly compelled to turn back.

In this report I propose to confine myself to the Lower Congo and coast with its commercial advantages, in order that the American merchants who may feel disposed to locate there may have the benefit of my observations.

In my report to follow this one, and in accordance with my instructions, I shall treat of the country above Vivi, the International Association, and the "Congo Free States."

In the first place, I recommend most earnestly that Americans who contemplate establishing themselves on the Lower Congo, or anywhere on the west coast of Africa, should not do so unless supplied with a large capital, which will enable them to compete with the long-established Dutch, English, and German houses which control almost the entire trade of the west coast. American houses establishing here must first be assured that they have transportation for their manufactured goods outward, and for the products of the country homeward. This is of vital importance. They must locate "factories" or stations in different parts, engage help acclimated and familiar with the country and the natives, and with a knowledge of both the Portuguese and Fiole languages, make presents to chiefs of tribes, and in this manner induce the natives to come in to the newly-established "factories." All this takes time and money, and little or no return can be expected for at least a year.

It is a mistake to suppose that all of the products which are reported to come from the Congo are grown there, or do actually come from there. Not one-tenth is harvested there. To illustrate:

The Dutch-African Trading Company of Rotterdam has fifty-three "factories" or stations, the principal one being at Banana Point, where the manager for the company resides. The fifty-two remaining "factories" are scattered from Loango, in latitude $4^{\circ} 40'$ S., to Benguela, in latitude $13^{\circ} 40'$ S., and to the interior about 100 miles, the limit of the lowland. On the Congo River proper they have only seven stations, and with two exceptions these are unimportant when compared with many of the other stations. The company own several small steamers and sailing vessels, which ply between Banana and the stations along the coast and lower river. By this method the different posts are kept supplied with the articles required by the natives, and the products of the surrounding country are gathered in small lots and transported to Banana, where packages are prepared for shipment to Europe, whither they are shipped in steamers belong to the company.

The same plan is adopted by the English, German, and French companies, hence their independence and ability to control the trade of the lower country.

The following are old-established houses, each with many branches and with its own line of steamers and sailing vessels:

- (1) The Dutch African Trading Company of Rotterdam.
- (2) Hatton & Cookson of Liverpool.
- (3) Congo and Central African Company of Liverpool.
- (4) The Hamburg African Company of Hamburg.
- (5) Daumas, Béraud & Co. of Paris.

There are here and there other small trading "factories," the owners of which are supplied with goods by one or another of the houses named.

There are also several Portuguese "factories" on the lower river, the headquarters, however, being in Ambriz or St. Paul de Loando. There are no Portuguese houses between the Congo and Ambriz, nor anywhere in the interior, excepting between Banana and Noki.

It is my belief that in all the world there is not a richer territory than that which borders the sea, commencing at the Senegal River, in latitude 16° N., and extending to latitude $18^{\circ} 30'$ S., and inland an average distance of 100 miles.

The most valuable productions of the country, and for which there is an ever-increasing demand, are rubber, palm kernels and palm oil, gum copal, ground-nuts, and wax. The rubber and palm trees are of spontaneous growth and to be found everywhere in the lowlands. The supply is not equal to the demand, yet there is no limit to the quantity of these rich products which might be taken from the country if the natives could be induced to work. Here again arises the question of labor, and to me it seems feasible to create wants amongst the tribes of the low and coast lands which will after a time induce them to gather and bring to the traders in large quantities the products which they can so readily exchange for anything which they may require. There are other and valuable products, but the staple commodities are those enumerated.

In no sense of the word can this be called an agricultural country. Nothing is cultivated excepting the ground-nut and a few tropical vegetables, which, however, are found only in small patches near the villages.

The country is densely populated, yet it is next to impossible to induce the natives to gather the valuable products which nature produces. With the exception of the Loango and Kabinda tribes, they are a wild, savage, and cruel people. They do not like the white man; and while they are glad to have his cloth and gin, they would much prefer never to see a white man within their domain. The question of labor will have much to do with the future of this country.

It is a remarkable fact that a Zanzibar man, or a Houssa man from the Niger, can travel anywhere in the country unmolested, even among the most savage tribes. This fact clearly proves to me that an industrious black man with a knowledge of the Fiole language will be enabled to exercise a greater and better influence over these people than it can be possible for the white man ever to do.

I may remark here that a few bottles of trade gin will go much farther in trade with the natives than ten times its value in cloth; and it often happens that traders are compelled to return to the coast without having accomplished a trade, because the natives insist upon having gin, while the trader was supplied with cloth alone. A native man can be induced to work at a "factory" for one or two days at a time upon the assurance that he can at the expiration of that time have a bottle or two of gin, while if you offer him a piece of cloth it is doubtful whether he would work at all.

The coast women are fond of cloth, having a preference for the gaudy colors. They are the work-people of the country, and if it were not for their industry little or nothing would be gathered for foreign markets. The men lounge about, drinking, gossiping, fighting, or hunting, as it may suit their tastes. Could they be induced to work and till the soil or gather the natural products for export, there can be no conception as to the wealth which would flow from the lowland countries.

The question of climate is a serious one. It is humid and enervating to the whites of Europe and America, and much sickness is the result. Very great precaution must be exercised during the first year's stay in the country, in order that the system may be kept free from the poisonous influences of the malaria which overhangs the entire country.

With few exceptions, all of the houses on the Congo, along the coast, and in the interior are built of bamboo sticks and grass. They are called "shimbecks," and afford but poor protection against the scorching sun of the dry season or the pouring rains of the wet season. Good shelter, with an abundance of good wholesome food and a fair allowance of pure Bordeaux or Portuguese wine, with indoor occupation or amusement after nightfall, would, I am sure, go very far towards a guarantee of fairly good health on the coast and in the lower river countries. These facts are appreciated and made use of by the Dutch-African Company, who do everything possible for the comfort of their employés in the direction indicated, and the result is that, generally speaking, they enjoy good health and are enabled to remain in the country for terms varying from two to four years without a vacation.

Along the entire coast the products are not at all unlike; the exports consisting principally of rubber, ground-nuts, palm oil, palm nuts, cola nuts, and gum copal. Some ivory is also exported, but in small quantities; the principal coast markets for ivory being at different points in Angola.

Common cotton and woolen goods, rum, gin, glass beads, guns, powder, tobacco, and common cutlery make up the principal imports, and with these articles the traders barter for the products of the country. It is the only currency known. Fifty per cent. of all the goods which go to the coast, including provisions, are purchased in England. The gin comes from Holland, and is manufactured expressly for the trade, the quantity being about 40 per cent. of all the imports, the remaining 10 per cent. may be distributed amongst other countries.

The Congo River is navigable for the largest ocean steamers to Boma, a distance of 70 miles from the sea. Steamers drawing 17 to 18 feet can go safely to Noki, 30 miles above Boma, while between Noki and Vivi only small, light-draught steamers can be used with safety. Approaching Vivi and the Falls of Yellala the current is very rapid, rocks are numerous, and dangerous whirlpools are constantly forming, and changing position, tossing a steamer about as though in a heavy sea, thus rendering it unsafe for any but powerful steamers of light draught. Particularly is this so in the rainy season, when the river becomes swollen, rising often from 10 to 20 feet in as many hours. At Vivi the river is about 1 mile wide, but as you approach the sea it ranges from 2 to 5 miles in width, reaching a depth in places of 200 fathoms.

Below Boma, the banks or shores on either side are covered with dense forests of hard wood.

Banana Point affords an excellent sheltered harbor for the largest sea-going ships; and general supplies, including coal, can be purchased there from the Dutch-African Company.

As you go up the river from Banana, you pass, respectively, the landings of Ponta da Lenha, Cocoa-Massi, Binda, and N'Kongolo before reaching Boma. At each of these points there is at least one "factory" or trading station, the chief depository for the near inland stations, and to which the small trading vessels go with supplies, and take away the accumulated products of the country.

I send you herewith a sample of each kind of cloth in use for native trade on the Congo and in the surrounding country, with cost price per piece, and number of yards in each piece. I send also a sample of blue and white beads, which are in general use for trading purposes throughout the entire country, and are greatly appreciated by the natives.

In addition to this the traders require common cutlery, much the same as that which is sold by our manufacturers in Mexico and the Central American States, for use amongst the natives. At all the stations canned goods and potted meats are liberally supplied for the white employés, but of American production I saw nothing but canned peaches, and those had been purchased from a Boston trading vessel that comes to the lower coast once every year.

Whether or not the cotton goods of American manufacture can be laid down on the Congo and along the coast as cheaply as those from England, I cannot say (certainly we cannot produce them of a *poorer* quality than sample!), but I am well satisfied that canned goods, common cutlery, ready-made wooden houses, lumber, medicines, beads, and "Yankee notions" generally can be delivered to the traders along the coast at lower prices than they are now being invoiced from Europe.

But how to reach these traders is the query. Doubtless the large traders would cheerfully examine American samples and prices, and if the American manufacturer can show a line of goods equal in quality and at a lower price than the European manufacturer, I am sure that a trade can be established.

At Boma I saw a wooden house which had been manufactured in Belgium, and the cost on the Congo was \$15,000. That house could be duplicated by the Flushing (L. I.) Portable Wooden House Company for \$2,000, and could be delivered in Banana for \$500 additional.

In wooden houses alone there is undoubtedly an opportunity for a large business.

The forests on the Lower Congo and along the coast are dense, yet, as in Brazil, the traders send to Europe for lumber, as they have no wood-working machinery, nor is it possible at present to introduce it into the country.

The trading companies invariably have their head offices in Europe, whence all supplies are furnished and employés engaged. They receive all products which may be purchased on the coast by their respective agents, and market the same from their European depositories.

The business of the coast is simply "barter and trade," with values fixed from day to day by the trader. The profits are, as a rule, large, though the last year has not been a prosperous one because of the unsettled condition of affairs owing to the long-continued discussion in Europe over African affairs.

I refer to the manner in which business is conducted in the lower coast countries, so that agents representing American houses may apply at the European head offices, and not go to the coast.

There are no hotels or even stopping places, and several cases of extreme hardship and suffering have come to my notice, where agents

have been sent to the coast without knowing where they were going or what they were going for. Of course, this does not apply to Angola.

I found it impossible to obtain from the different houses statistical information as to the quantity and value of exports and imports. I was in every case politely referred to the head offices in Europe, where alone the information could be obtained.

Reports which have been published from time to time, purporting to give the quantity and values of imports and exports to and from the Congo, have been made up from mere guess-work, as I am assured by the managers of commercial houses that they are not in a position to give the information. There being no custom-houses or offices of record of any kind, you will readily understand the difficulty in obtaining any information excepting from the quarter indicated.

There are but two lines of mail steamers touching the coast at any point between Gaboon and the Cape settlements. One is the West African Steamship Company of Liverpool (alternating with a branch of the same line from Hamburg), monthly, and the other is the Portuguese mail, monthly, from Lisbon. The first line requires fifty to fifty-five days to make the voyage, either from Liverpool or Hamburg, while the second, being under mail contract with the Portuguese Government, makes the voyage to Congo in twenty days.

As to government on the Lower Congo or on the coast north of Angola there is none, nor even a semblance of government, until we arrive at Gaboon or Fernando Po, where we first come upon the military rule of the French and Spanish.

At Banana, at points along the Lower Congo, on the coast, and in the lowland interior, at each station or "factory," the traders have a small armory, and not unfrequently are they required to resort to arms for defense from attacks by the natives, or to punish the natives for some offense committed. Upon the slightest provocation, or even without provocation, the natives often attack the "factories," burn the buildings, and plunder the stores. Only recently the Dutch and English companies have suffered very heavy losses by the burning of several "factories," wherein were stored large quantities of merchandise. Every employé in the service of the trading companies must act as an armed policeman, not only for self-protection but for the protection of the property intrusted to his care.

The natives are all armed with old flint-lock muskets which have been sold to them by the traders, and it is an exceptional case to meet a native man without one unless he be a slave, and even slaves are oftentimes armed. They do not well understand the use of fire-arms, and, notwithstanding they carry guns, they prefer the poisoned arrow or spear, with which they do much better execution. I may add, however, that they are informing themselves in the matter of improved fire-arms, and chiefs of tribes are now demanding repeating or magazine rifles with prepared metallic cartridges, where until recently they were well satisfied with old flint locks.

South of the Congo, in St. Paul de Loando, Benguela, and Mossamedes, there is, in my opinion, an opportunity to place American goods of all kinds. The climate is not at all unlike that of our Southern States, and the requirements of the people are much the same as our own.

There is a large population, and there are many rich commercial firms who would gladly trade with the people of the United States if communication could be established between the two countries.

American whalers going to the South Atlantic make a sort of headquarters at these ports, the captains of whale-ships often bringing small cargoes of American manufactured goods and canned provisions, invariably finding a ready market for cash for anything which they may offer.

Wool, hides, sugar, coffee, and palm oil constitute the principal articles of export.

There are no manufactories in the country, excepting for rum; consequently everything but the commonest articles of food is required from abroad. Sailing vessels are largely employed in the carrying trade to and from this country.

Proceeding north from the Congo, I found at St. Thomé a possible market for American goods of all kinds. This is one of the richest islands in the world, densely populated, and might be made to produce everything required by the inhabitants, but they seem quite well satisfied with the production for export of coffee, sugar, and palm oil, while all their supplies for wear or consumption, excepting fruit alone, come principally from London or Liverpool. I saw in one shop a case of American sheeting and "blue jeans," which the proprietor informed me he had ordered especially through an English house.

Situated just on the equator, strange to say, any desired climate can be obtained, the land rising gently to an elevation of 8,000 feet. From the center of the most elevated part of the island there flow no less than twelve beautiful rivers, in as many different directions, so that the land is well watered, fertile, and very productive.

The plantations are kept in excellent condition, many of them employing upwards of one thousand laborers. An English line of steamers runs regularly, monthly, between St. Thomé and Liverpool, and a Portuguese line runs monthly between the island and Lisbon. There are also many sailing vessels engaged in the trade.

In Cameroon, the Germans, by reason of recent conquests, control the trade, and, though the country is very rich, I do not think it possible for an American to get a foothold there. The same may be said of Fernando Po, under Spanish rule, and of the lower Niger country, Dahomey, the Gold Coast, and Ashantee, all English possessions.

Of Liberia I cannot write, but north of this republic we come to Guinea, which country, though comparatively undeveloped, is one of great richness, producing, in addition to all the tropical products, gold, copper, and wax, of the finest quality known to the European trade. I visited Bolama and Bissão, seventy-five miles in the interior, and I have never seen a country which offers such extraordinary inducements to the trader as this. English, German, and French traders are already established here, and I learned that a Boston house had arranged for an agency in Bissão, to which place they propose running a sailing vessel monthly, in connection with an already established line to the Cape de Verd islands, between which and Boston a good paying trade is well inaugurated.

Goree, Dakar, and San Luis, in the French African possessions of Senegal, are thriving business places, but the French look so well after their own trades-people that I could hardly recommend an American merchant to venture into these parts. Yankee enterprise, has, however, shown itself in Goree, where an American house, against great odds, is doing a fair business.

The Canary Islands, and Madeira, also offer inducements to the American merchant, and my firm belief is that, with agencies once established in the places herein named for the sale of American goods

and the purchase of native products, a large and well-paying trade could soon be worked up, and that steamers constructed for cargo, with small passenger accommodation, would find profitable employment in monthly voyages from and to the United States, via the Azores, Madeira, Canaries, Cape Verd, and the West Coast of Africa.

I have, &c.,

W. P. TISDEL.

No. 228.

Mr. Tisdell to Mr. Bayard.

WASHINGTON, *June 29, 1885.*

SIR: In compliance with my instructions, I had the honor to report fully to the Department on the 25th of April upon the present and prospective commerce of the Lower Congo and the west coast of Africa, and now, begging reference thereto, I have the honor to continue as follows:

Colonel Sir Francis de Winton, an Englishman, is the governor-general of the "Free States of the Congo," appointed by the King of the Belgians, and having advised him of the probable date of my arrival at Banana, he kindly engaged for me a special caravan of fifty-six Loango men from the coast north of Banana, and within a few hours after my arrival they were in readiness, and started with me from the coast in the small steamer *Heron*, belonging to the International Association. Colonel de Winton informed me that it was almost impossible to engage a native caravan from the upper country, as they experienced great difficulty at times in passing through the territory belonging to unfriendly tribes, thus necessitating a constant changing of caravans, and not unfrequently resulting in heavy losses, both by theft and by desertion of the men with the loads which they were carrying. The Loangos and Kabindas from the coast can and do pass freely to and from the up country, and are invaluable as carriers. They speak a *patois* of the Congo language, and have no difficulty whatever in getting on with the natives. They are known not to belong to any up-country tribe; hence the freedom with which they are allowed to pass; and it is a rare thing for them to be attacked by the natives, and then only for purposes of theft. With few exceptions my Loango men spoke the Portuguese language, and, speaking this language myself, I was enabled to make all my wants known without the aid of an interpreter; and without exception, the men attached to my caravan were brave, obedient, loyal men, and rarely ever complained of the hardships which they were compelled to endure.

Arriving at Vivi, there were added to my caravan one Kabinda interpreter, four Zanzibar servants, one Gold Coast cook, and twelve armed Houssas from Lagos, an English possession off the mouth of the Niger. It will be seen that my caravan, leaving Mpozo, consisted of seventy-five persons, all told. Each Loango man carried 70 pounds, the loads being made up of canned provisions, cloth, beads, brass rods, one field tent, and supply of cooking utensils.

The Berlin conference having settled the question as to the claims of both France and Portugal to territory within the commercial basin of the Congo, the occasion has passed for me to report upon the same, and referring you to my reports from Berlin, dated October 29, 1884, and

from London, dated November 23, 1884, I will simply say that, in the division of territory, both France and Portugal secured all that they wished for and much more than they had expected. I have been informed by people well acquainted with the country that they have the richest, best, and most productive of all the vast territory which came within the scope of discussion in the Berlin conference, so far as the country has been explored, and the diplomacy displayed by the plenipotentiaries from both countries named evokes their warmest praise.

In my report from Lisbon, dated April 25, I had the honor to describe fully the low countries and the Lower Congo, giving full particulars as to the depth of water, and the available harbors and landings at and near its mouth, with their advantages, disadvantages, and peculiarities, and I will now ask you to follow me from Vivi to and around Stanley Pool, on the route to which latter place I made many explorations to points remote from the river, thus gaining valuable information as to the country, the people, and their peculiarities.

From Mpozo, opposite Vivi, to Stanley Pool, on the south shore, everything which goes up country must be carried on the heads of native or Loango carriers, each man carrying 70 pounds, as before stated. From Vivi to Issanghila, on the north shore, a distance of 66 miles, the same mode of transportation is adopted, while from Issanghila to Manyanga, a distance of 84 miles, two small whale-boats are used on the river, each boat being manned by fourteen Zanzibars and carrying from 60 to 70 loads of 70 pounds each, making the round trip in about twelve days. Then from South Manyanga to Lutete and Leopoldville carriers are again employed. The cost per ton of 2,000 pounds for the transportation of supplies from Vivi to Leopoldville, a distance of 250 miles, exceeds \$300, and from Banana to Vivi the cost is about \$75 per ton. You can safely add \$25 per ton, the tariff from Europe to Banana, and we find that the cost of transportation is \$400 per ton and upwards from Europe to Stanley Pool. Everything which is required for the employes of the Association comes from Europe, the only possible exception being in the matter of food, where occasionally goats or fowls can be purchased, and for the native or Loango carriers there may at times be purchased mandioca, corn, bananas, and ground-nuts. This applies to the entire country after leaving Ponta da Lenha, on the Lower Congo; and the repeated statements which have appeared from time to time in the European press to the effect that all kinds of tropical fruits, vegetables, cattle, and sheep are raised in abundance, are without the slightest foundation in fact, or at least so far as my observation and inquiry extended.

The only roads in the country are the narrow paths from village to village which are followed by the caravans, and so narrow are they that the "Indian file" of march is by force adopted. No rule has been observed in the original laying out of these paths, nor has the International Association improved upon them since their advent in the country. Only natives can be depended upon to find the way from Mpozo to Stanley Pool without a guide, and it not unfrequently happens that coast caravans and Houssas couriers take the wrong path, and travel many miles, even days, out of their way before finding their mistake. These paths cross each other in every direction, and great difficulty is experienced in keeping the right path. The natives often tie the grass over a path just at the point where the main path may be intersected by another, thus purposely leading one astray. On two occasions, passing through a valley, I became separated from the main body of my caravan, and had no little difficulty in again finding them. In the valleys

one may march many miles through the tall, rank grass, often 12 to 20 feet high, without being able to see out either right, left, or overhead. In the dry season as well as in the rainy season the grass is wet, and in the early morning the traveler is thoroughly drenched within a few moments after entering a valley. This condition arises from the heavy dews which prevail throughout the dry season. Traveling through these valleys is not at all pleasant, as one is liable to have one's hands and face badly cut by contact with the sharp blades of rank grass. The natives often suffer greatly when attached to a caravan; their hands not being free when carrying a load, they cannot shield themselves from the grass.

Mr. Stanley once made a road from Vivi to Issanghila for the purpose of hauling on wheels, in sections, his small steamers for use on the Upper Congo. This road served its purpose, but was not kept in repair, and has now been abandoned for the native paths, except in the Bundi Valley. The same may be said of the road from Chumba to Inkissi, over which the steamer *Le Stanley* is now being transported on wheels. The traveler through the valley of the Congo must wade through swamps waist deep; he must swim rivers; he must climb the rugged clay hills, and cross miles of arid sandy plains, without water and without a tree to shelter him from the scorching sun, always following the zigzag native trail, sometimes amongst friendly tribes, again within the domain of unfriendly people, and then through a vast tract of desert country without population.

It is unfortunate that navigation on the great Congo River should be so interrupted by the numerous falls and rapids which are encountered between Vivi and Stanley Pool. The principal and seemingly unsurmountable falls are those of Yellala, N'Goma, Issanghila, Manyanga, N'Tamo-Makota, Zinga, Elsa, Inkissi, Kaloulou, and N'Tamo, or Livingston, in addition to which there are innumerable rapids, and all within a distance of 250 miles, being a total fall of 1,600 feet.

Between Issanghila and Manyanga, a distance of 84 miles, the river may be considered navigable for small boats, which may be towed over the rapids on the voyage up country, while it is claimed that powerful light-draught steamers *can force* the rapids. On my return trip to the coast I voyaged in an open boat, following Mr. Stanley's track from Manyanga to Issanghila, passing many rapids and whirlpools, and making the distance of 84 miles in fifteen hours.

The International Association has established the following-named stations within the valley of the Congo: Mpozo, Banza Manteka, Voon-dah, Lukungo, South Manyanga, Lutete, Leopoldville, Kinchassa, Kim-poko, Msouta, Kouamout, Bolobo, Loukolela, and Equator, on the south bank, and Boma, Ikungula, Vivi, Issanghila, North Manyanga, Bangala, Aruwimi, and Falls Station, on the north side of the river. Falls Station and Aruwimi have been abandoned because of the repeated attacks upon them by the Arabs and native traders. Bolobo has been for some time besieged by several hundred natives, and will ere this have been abandoned; and preparations were being made to withdraw from the Kouamout when I left, on account of the thieving propensities and hostilities of the women, who are the governing power in the tribes of the Kouamout, the men having no voice whatever.

All of the stations in the Niada Quilu and the Ogowe have been surrendered to the French, so that, in fact, the International Association cannot claim to control the valley beyond Equator. Boma, Ikungula, Vivi, Issanghila, and Leopoldville are the only stations with houses built of wood. All other stations have houses built of reeds, straw, and

poles. At Vivi and Leopoldville there are from ten to twenty white men, while at each of the other stations there are but one or two. The chief of each station has a guard of from ten to thirty armed Houssas (English negro subjects from Lagos). He is charged with the employment of carriers, gives protection to caravans as far as it may be in his power, and furnishes relay couriers for the portage of mails and important dispatches from one station to another. In the event of trouble arising between the natives and Association employés, the stoppage of caravans, or an attack upon the station, a Houssas force is quickly concentrated at the most convenient point and the natives punished.

There are many tribes within the valley of the Congo, each tribe living quite to itself, being ruled over by a chief or king, called N'Fumo, who is absolute dictator within his own tribal domain. The tribes of the lower country speak a different language from those of the upper country, yet they make themselves well understood one with the other by speaking a *patois* of the Suihila, which language is generally understood throughout Upper Central Africa.

These tribes often go to war with each other upon the most trifling pretext, and, notwithstanding they are all armed with guns, it is a rare thing that a native is killed by this weapon. They seem to have little or no idea how to use the gun successfully, and a complete victory consists in the burning of villages, the capture of prisoners, and their execution by the knife, spear, or fire afterwards, or their sale into slavery. It is a remarkable fact that while guns and powder are plenty, lead is almost unknown to the natives, the coast traders having so far kept it from them. They therefore use small pebbles and baked clay balls instead of bullets, though very recently they have taken to cutting brass rods into slugs, and naturally the gun will soon become a dangerous weapon in their hands. Since the advent of the white man with his repeating rifle, the up-country kings are commencing to demand that they be supplied with percussion guns. Up to the present time the gun has been used only to make a noise with. With it they profess to frighten away bad spirits; to bring health to the sick; to assist the spirit of a departed friend; to celebrate events of joy or sorrow; in fact, the gun is used for everything but for war purposes or the killing of game.

As a rule, these people are a cruel, treacherous, thieving set, and notwithstanding published reports to the contrary, it is not safe for a white man to travel without an armed escort. The natives are very much afraid of the white men, and particularly so of the armed Houssas, whom they consider child-eating cannibals. The precision of their aim and the certain fatal result of their rifle shot strike the natives with terror. Beyond Stanley Pool a white man or a caravan belonging to the International Association has never yet penetrated to any distance from the main river excepting in boats, and invariably the explorations have been made along the Congo and for a short distance on one or two of its branches, and then a strong guard has been found necessary lest the boats might be captured by the pirates who swarm on the rivers of the up-country regions.

Many of the villages are inclosed by a stockade from 6 to 12 feet high, with but one entrance, which is closely guarded to prevent surprise by an attacking party.

The houses or huts in which these people live are built of reeds and grass tightly woven and tied to a frame-work composed of two upright sticks, with ridge-pole, four corner sticks, and bamboo rafters. The size of these huts varies greatly, though as a rule I found them to be

about 10 feet square, from 2 to 3 feet high at the sides, and about 8 feet in the center from ground to ridge-pole. The only opening or door is a hole in the front of the hut about 3 feet square, and this is closed at night by means of heavy grass mat woven to a bamboo frame and made to slide either to the right or the left. From six to twelve people may occupy these huts, only, however, for sleeping purposes or shelter from the storm. As a rule the occupants sleep on the bare ground, though I have seen grass matting laid down, and where kings or princes are amongst the occupants goat skins may be spread upon a raised bamboo frame which serves as a bed. The straw roof and rafters inside are smoked to a jet black, the effects of a small fire almost constantly burning in the center of the hut. There being no chimney or vent-hole for the escape of the smoke, it forces its way through the tightly woven grass, with the result described. I have slept in these huts, and on several occasions I have occupied the palace of a king for my sleeping quarters. My tent was preferable by far, as I was comparatively free from vermin and filth, which are ever to be found in the huts of the common natives and alike in the palaces of kings.

The dress of the natives usually consists of a small piece of cloth tied about the loins; though amongst different tribes I observed many customs in the manner of dress. Many go naked, with the exception, perhaps, of a string of beads around the neck, waist, and ankles. Others wear heavy bands of iron or brass about the neck, wrists, and ankles, while some wear a long strip of native-made or trader's cloth, tied by the corners over one shoulder, passing under the arm on the opposite side, hanging loosely, and leaving one side of the body absolutely naked. Kings, queens, and their families usually cover their nakedness, though it is not always the case. As a rule, however, they wrap themselves in a large piece of cloth or the skins of some animal. Trader's cloth is gradually finding its way to the interior, but the natives make a grass cloth which is far better than any they can buy from the trader. Tribes along the coast wear more cloth than those of the interior, though the principal use which is made of cloth is at the time of death, when the body is wrapped up in cloth (the savings of a life-time) and buried. Hundreds of yards are thus consumed, and it is for this purpose, rather than for day dresses, night dresses, or Sunday dresses, that the demand is made. The body of a king may be, and often is, wrapped in thousands of yards, which go into the grave with the body.

Ornaments are worn by the native women in great profusion, and many of them are very artistically gotten up. Highly polished charms made from the ivory of the hippopotamus are worn around the neck, while the lower limbs may be heavily laden with brass rings. In many tribes the custom prevails of piercing the lobes of the ears and the center cartilage of the nose and inserting pieces of bamboo wood, the wearer naturally presenting a horrible appearance. Amongst the coast tribes the empty metallic cartridge shell is in very great demand, and in the course of a day's march you may meet hundreds of women wearing these shells as ear and nose ornaments.

In the up-country common blue or white glass beads are worn. These are purchased from the traders on the coast by native caravan men, and generally sold in the public market places. But the most appreciated of any ornament is three or four of the coarse hairs of an elephant's tail, which are worn about the neck. Not only is it considered a beautiful ornament, but it carries with it a religious or fetich charm.

Each tribe has its distinguishing tattoo or tribal mark. Generally the mark is upon some part of the face, though I have seen both men and

women most artistically tattooed on the breast and back. Some of the tribes are very profuse in the use of paint; this is especially so amongst the women, who smear their heads with a mixture of ground red bark or red clay and palm oil. Some paint their bodies white, while others go into deep mourning by painting their black faces still blacker than nature has made them. Some clip the hair or shave the head in all sorts of fanciful styles, while others allow the hair to grow, plastering it with oil, braiding and twisting it into spirals interwoven with small wire, and standing out from the head in every conceivable shape. Many women with a luxuriant growth of hair have it very closely woven and done up high on the top of the head, not unlike a great cushion, while some arrange the hair to look like an old-style "poke bonnet." I doubt if such artistic hair work can be produced in any other part of the world.

Education in any sense of the word is wholly unknown. The natives live like brutes and seem to have no idea above the brute creation. There are occasional exceptions to this rule, where in the up-country you may find here and there persons showing signs of intelligence far above the ordinary run of people. They even may, and do, make good rules for the government of their market places, and some of them display great shrewdness in barter and trade; yet it is an indisputable fact that the people are without the first rudiments of an education, and efforts which have been made to instruct them have proved failures. Some of the missionaries claim to have established schools and to be actively engaged in educating young children. This is not true, in fact, of the missionaries in the valley of the Congo. The missionaries do take small children for their servants; they feed them and clothe them (after a manner) and attempt to inculcate within them a spirit of religion; but I have yet to see a Congo man, woman, or child with whom the missionaries have made any progress. The French Catholic mission at Gaboon, on the coast, is the only mission which can lay claim to having accomplished anything. There they are instructing boys in the art of agriculture.

As to the general intelligence of the people, I could observe very little difference between them. They are, however, a shrewd, cunning, though thoroughly unprincipled people. The tribes around and above Stanley Pool are perhaps superior to those of the low land; certainly they surpass the people of the low country in treachery and cruelty, and I doubt whether anything can ever be done to inspire them with a wish even to become educated. They do not know what it means. Their mode of life and their every-day surroundings cannot be changed. The population is too great, and as they live now so they have lived for ages past. Their morals are of the lowest type. They have no regard whatever for virtue, and their immoral practices place them quite as low in this respect as are the apes or monkeys of the low countries. Disorders of the most loathsome character are rife and apparent everywhere.

Gold, silver, or paper money is wholly unknown, the currency of the country being gin, glass beads, brass rods, red cotton handkerchiefs, trade cloth, powder, and flint-lock guns. With these articles one can buy one's way through the country or purchase the native products, such as rubber, ground-nuts, palm-nuts, ivory, &c., and with the same currency one pays the wages of and buys food for a caravan, buys slaves, or anything which may be offered for sale by the natives. Of this variegated currency gin is the most valuable; indeed, it may be truly said that "it is worth its weight in gold."

The population is not so dense between Vivi and Stanley Pool as it is in the low country and on the far upper river; yet there are vast numbers to be found, and how they manage to exist at all is a wonder. They are not a meat-eating people, and subsist almost entirely upon ground-nuts and chiquanga, which latter is the ground mandioca mixed with fermented palm-tree sap and sun-baked. Very little game is to be found in the country, and such as there is the people are not capable of taking. If a white man shoots an elephant, the natives will swarm around the carcass by the hundreds and feast to their heart's content. Goats and fowls they rarely ever eat, reserving them for trade, and oftentimes they send them hundreds of miles to exchange for gin or powder; as a rule, however, they send them to the open market or to the stations of the African International Association. In the low countries wild berries and native fruits, in addition to the ground-nuts and chiquanga, constitute the food. But, as I have before stated, cattle do not exist in the country, and are only brought on steamers from Angola, from month to month, for consumption at the trading-houses located at the mouth of the river.

The natives adhere to a very ancient custom of fixed market places on neutral ground, where friend and foe alike can meet on certain days for the exchange of their products. These market places are located upon high ground as a rule, overlooking the country for miles around, and on every fourth day the people gather in great numbers for purposes of "barter and trade." People from several different tribes not unfrequently meet in these market places. Native traders who go to and from the coast with caravans are around in these market places with large stocks of cloth, beads, guns, and powder, which they exchange for the native products. In the up country so little is offered for sale, excepting the food which is consumed by the natives, that many market days may pass before a sufficient quantity of produce can be obtained to load even a small caravan for the coast. To illustrate, a family may have a quantity of palm-nuts, with which they must buy food—say mandioca, ground-nuts, or bananas. The native who has the food for sale does not want the palm-nuts, but demands beads, brass rods, or powder, as the case may be. The owner of the palm-nuts must go to the caravan trader and trade off the palm-nuts for beads, brass rods, or powder, and then with these articles he can buy the food required for his family. Sometimes the produce must change hands four or five times before the original owner can purchase what he wants. The women are the principal small traders, and gather in great numbers on market days. They do all of the work, such as garden making, gathering the wild products, and providing for the family, and have all to say as to what proportion of their small crops shall go to the market. Each village has its garden plot, palm and banana grove. In the garden they raise ground-nuts and mandioca only; and from this garden the partial food wants of the villagers are first supplied, when a portion is set aside for the purchase of cloth, gin, powder, or whatever else they may want from the public market. Rubber is occasionally found in small quantities in the market places, but the production in the country between Vivi and Stanley Pool is very small, and found only in the valleys of the rivers or the low marsh lands. Goats, fowls, and eggs may at times be purchased in the open market, though not in abundance.

My description of the manner in which "barter and trade" is conducted by the natives would not be complete without a reference to the slave trade, which is carried on everywhere within the Congo Valley; and it is useless for any one to say that slavery does not exist. Every

king or chief owns slaves in great numbers, and this slave ownership is not confined to those in authority. While it is true that slaves are not exported from the country, nevertheless slavery exists, and hundreds of thousands are bought and sold every year on the "barter and trade" plan, though but little value is attached to them, as they can be readily purchased for small quantities of gin, cloth, or powder. Disputes between chiefs of tribes are settled by slave transfers, and the sacrifice of human life is largely from amongst these wretched beings.

In the Portuguese possessions it is claimed that slavery has been abolished. However true this may be, it is also true that a large trade in human flesh is carried on, but it is regulated by the Government and called "contract labor." The natives are captured by the up-country chiefs and taken to points on the Cuanza River, where they are sold to the trader. They are then taken to the coast, where an officer of the Government superintends the contracting, registering each "laborer" by number, after which they are shipped to the islands of St. Thomas and Principe, and delivered to the planter whose agent has been one of the contracting parties. In both of these islands I have seen the laborers at work, and I must confess that they are far better off than they ever were or ever could hope to be in their native country. They have good houses, good food, are clothed and well treated, and have one holiday each week. They seem perfectly contented, and never express a wish to be taken back to the country from whence they came.

Commercially speaking, I cannot see where or how it is possible to create a paying business in the up country. It is a rare thing that a trading caravan comes to any point on the Congo from the remote interior. Small caravans do come to Boma, Noki, and to Mpozo, occasionally, but they are made up from the immediate surrounding country, and it is an exceptional case when they come from the up-country interior. During my stay in the country but two caravans bringing ivory came to the lower river, and then the number of tusks was very small. I do not see how the course of the caravans can be diverted from the paths which they have followed for years. The routes from the interior along the Congo to the coast are by way of San Salvador to Ambri-zettee, and south of that the routes are direct to Ambriz, St. Paul de Loando, and Benguilla, or to points along the Cuanza River in Angola. Almost the entire trade with the interior is south of latitude 6° south, and is carried on with trading stations which have been established for years. I repeat what I said in my commercial report of the 25th of April: There is not, nor has there ever been, a trading station at any point on the Congo River above Noki, and every trader with whom I have conversed assures me that they depend upon the low country for the greater part of their business, and have not deemed it advisable to establish posts farther inland. They do not look upon the immediate valley of the Congo, between Vivi and Stanley Pool, as a rich or productive country, and beyond that they know nothing excepting what has appeared in Mr. Stanley's books, which give us assurance of its fertility of soil, its rich productions, and its fine climate; but this cannot apply to the country along the Congo west of 17° east longitude.

Comparatively speaking, very little ivory comes to the west coast. Mr. Stanley brought with him from the vicinity of Falls Station, in longitude 25° east, one hundred and fifty tusks. The agents of the Association have been enabled to accumulate only eighty tusks within the year ending March last, and King Galeama, who is the most noted native ivory trader in the country, living near Leopoldville, had in the same time

accumulated less than two hundred tusks. Galeama trades entirely with Ambriz, and has never sent a caravan to any point on the lower river.

In the year 1884 more than 12,000 tons of merchandise were shipped to and from the Congo by and for account of the Dutch African Trading Company of Rotterdam, but scarcely any of this merchandise came from or went to the interior beyond the limit of the lowland—say 100 miles. The principal station and warehouses of the Dutch company are at Banana, which is the general receiving and distributing point for their *fifty-two* branch stations, *all of which are located on the lowlands*, between latitude $4^{\circ} 40'$ south and 13° south, the sea-coast and longitude $13^{\circ} 45'$ east. This applies also to the location of the French, English, and Portuguese trading stations, *not one station ever having been established east of longitude $13^{\circ} 45'$* . From the published statements as to the value and tonnage of exports and imports to and from the Congo one might naturally infer that this merchandise actually went to the upper country, and that large quantities of valuable produce came from the remote interior. This is not the case; nine tenths of the entire trade of the Congo is within the geographical limits above described. The Portuguese traders of Angola depend upon the low countries and valley of the Cuanza for their principal business, and only look for ivory from the remote interior, and which, I may remark, comes down only in small quantities, which makes it very evident that the nearest, most feasible, and natural outlet for ivory is via Zanzibar, and, through the Soudan, down the Nile.

Admitting that the country above Stanley Pool is rich in everything which can be produced in a tropical clime, even let there be gold and silver; I doubt whether anything could be made to pay the cost of transportation out of the country. There are no roads; oxen, mules, or horses cannot live in the country; and to my mind the proposition to construct a railway from Vivi to Leopoldville is far in advance of the wants or capabilities of the country. There is no available timber, there is no stone, the country is one vast region of sand and clay hills; hence everything must come from Europe, and the first cost of construction would be ten times the estimate given to the public. No survey has yet been made, and it is not possible to reach a correct conclusion as to the probable cost. Coal is not delivered at Vivi at a lower price than \$25 per ton, and the climatic deterioration would add at least 50 per cent. to the cost. Then there must be a large fleet of steamers both for the upper and the lower river. Cargo must be transferred several times; hence I cannot see how anything can be made to pay the cost of transportation. The native caravan transport would be far the cheaper method. I base my opinion upon twelve years' active business experience in the transportation of merchandise to and from and within tropical countries.

The country is hilly, almost mountainous, yet without rock or stone excepting in the bed of the great river. At different points there are somewhat precipitous banks of a crumbly slate; and in all my travels I found but one small mountain of sandstone and granite formation—this in the Bundi Valley, near the river. Along the banks of the Congo there are here and there only a few trees of any considerable size. With one exception there is no heavily timbered country between Ponta de Lenha and Stanley Pool; I refer to the Masamba forest, which, though small in extent, contains some beautiful specimens of large-growth hardwood trees. In the valley of the Louvu and the Inkissi Rivers, close along the water's edge, there are some trees, but mostly soft wood. *At one or two points along the pool there are also small forests, but nothing

available for lumber-making to any extent. There are fertile patches of ground here and there, usually in close proximity to the villages, and the valleys of the rivers are also very fertile, but not cultivated. Where attempts have been made to cultivate the soil, invariably the elephant or hippopotamus comes upon the scene and devours or tramples everything in shape of vegetation.

There is little animal life in the country. Horses and cattle are unknown, and but *three* mules, the property of Colonel Sir Francis de Winton, are now alive in the Congo Valley. Food for these mules is brought from Europe.

Elephants are to be found in Banza Mantaka Valley, and occasionally they may be seen in the valley of Louvu and Quillu. They are not numerous on the western slope of equatorial Africa, being found only along the fertile river valleys and rarely ever going near the banks of the Congo until the hilly and barren country is passed. Above Stanley Pool they increase in numbers and roam in large herds, rarely ever being molested or hunted by the natives, and the small quantity of ivory which finds its way to the Atlantic coast comes from the far up country. The Arabs have a monopoly of the ivory trade, which, combined with their nefarious dealings in slaves, renders their business a most profitable one.

The climate of the Congo country, especially that portion of it below Stanley Pool, is bad, and but few white men are enabled to remain any great length of time without contracting one or more of the terrible diseases which prevail. A bilious or pernicious fever is most to be dreaded, and is usually attended with fatal results. It comes upon one suddenly, and unless immediately checked assumes the phase of yellow fever, causing death in two or three days and oftentimes within a few hours. The mortality among the white men who have engaged to serve the International Association has been something fearful. I have never known anything to compare to it in any other country. The new-comer is sure to be attacked with dysentery or small fevers very soon after arrival in the country; not one escapes. These latter diseases readily yield to medical treatment or are overcome by an immediate change of climate, which is obtained by sending the patient to the sea-shore or to the cool country of Lower Angola; but the pernicious fever generally terminates fatally. It is said that the climate near Stanley Pool is much better than in the country lower down, but my experience leads me to believe that there is very little difference. I found much sickness at Stanley Pool; in fact, it was an exception to find a well white man anywhere. It was my painful duty to bury, at Stanley Pool, Major Burns, a fine young English officer who had accompanied me from Manyanga, and who was ill but a few hours. The death roll amongst white men along the line of my march was something appalling, and the International Association does not muster to-day in Africa fifty able-bodied white men, and but one hundred and twenty *all told*. During a period covering six years last passed the president of the International Association has contracted with about six hundred white men to serve in Africa for three years. But five of this large number have thus far been able to remain for the full contract time. *Only two Americans* have ever been employed by the Association; one came to the United States ill last year, and committed suicide while suffering from the effects of the fever, and the other I left dangerously ill at Issaughila on my way down country.

The heat is not so intense as it is in the same latitude in South America, excepting along the coast, where the thermometer ranges from

80° to 105° Fahr. in the shade. But at Stanley Pool the thermometer rarely ever registers above 85° Fahr. in the shade. A cooling sea-breeze sweeps up the valley in the afterpart of the day, reaching Vivi at about five o'clock. While it is refreshing for the time, there is no doubt but that it carries with it the poisonous malaria from the lowlands scattering it with deadly effect wherever the breeze reaches.

There is no government of any kind in the valley of the Congo. A king or chief may rule over his own particular tribe, and over the lives and property of his subjects he may be absolute; yet this can hardly be called government. Makoko and other great kings claim absolute control over many tribes, but such is not the case. This has been proven in the repeated attempts of the "great kings" to sell territory belonging to tribes not of their own, and which sales have invariably been annulled, or, rather, not permitted to go into effect. A treaty made between a white man and one of the kings cannot be depended upon. If land is transferred to you to-day by treaty, or extraordinary privileges granted you, I may come along to-morrow, and with two or three bottles of gin I can purchase the same land and obtain the same privileges from the same king with whom you have dealt. Kings and fetich priests make laws or rules which are of the most cruel character, and the sacrifice of human life is as common within the Congo Valley as it is in the kingdoms of Dahomey or Ashantee. There are no laws for the protection of the rights of individuals, and if there were laws, there is no power to execute them. I repeat there is no government within the valley of the Congo. The International Association, which has been engaged during the last six years in exploring the vast regions of the Congo, and which was recently awarded by the Berlin conference territory of 1,100,000 square miles, has attempted to establish a government to be known hereafter as the "Free States of the Congo." True they have established stations on the lower and upper river, but they are simply *tolerated* by the natives. They cannot get a native to join the soldiery of the Free States, nor can they depend upon the natives to do their work or to become carriers in their caravans. They will not till the soil excepting in so far as it is necessary to produce food for themselves. In short, they will do nothing. These natives are a lazy, treacherous, wild, and cruel set of people, and the International Association has already begun to experience great difficulty in keeping them quiet. Up to last January the English Government had permitted the enlistment or contract of Lagos men and Houssas as soldiers and guards to the Association; but now that permit has been canceled, and as rapidly as enlistments expire the men are being returned to their homes. This, added to the fact that no more Zanzibar men can be obtained, the last detachment having left in April, leaves the Association without guard, and comparatively without labor. Just where they can obtain soldiers and workmen from is a serious question at this present moment, as Europeans cannot live in the country, and do the work required.

The only income which the "Free States of the Congo" has is £40,000 per annum, the endowment of the King of the Belgians, where during the last five or six years His Majesty has given £200,000 per annum.

They have no revenue from lands or from shipping, from customs, or from the established trading-houses in Banana, and should King Leopold withdraw this gratuity it is impossible to foresee where funds would come from for the support of the infant "Free State"; yet I sincerely hope that the expectations of those who are identified with the making of a great "Free State" in equatorial Africa may be realized.

I am the only commissioner from any country who has ever visited the Congo Valley, and I am aware of the fact that my report may differ somewhat from the statements respecting this country, and which have appeared in print from time to time; yet I am conscious of having done my duty in strict accordance with the instructions which I had the honor to receive from the Department.

Again I express my regret that I was unable to go to the farthestmost limits of the interior Free State. There was no available means of transportation on the upper river, and to have proceeded by caravan was an utter impossibility. The Association have but two small steamers above Stanley Pool, the Royal and the A. I. A., both of which were up country, and there was no means of knowing when they would return.

The question may be asked, "Why has this condition of affairs on the Congo not been made public before?" I will answer by asking your attention to the annexed copy, being a translation of the contract which every man who enters the service of the International Association must become a party to before taking his departure from Europe. Especially do I ask your attention to Article V.

I append also, for your information, copies of two letters which I had the honor to address to Rear-Admiral Earl English, U. S. N., to which I call your attention.

From my report it will be seen (1) that whatever trade there has been with Central Africa has been carried on north and south of the Congo; (2) the cost for transportation precludes traffic between Stanley Pool and the coast without a railway; (3) there is not business enough to support a railway; (4) the inhabitants have but few wants, therefore the most limited trade only is possible; and (5) in no part of lowland or coast of equatorial Africa, is it possible for an American or European (save perhaps the Portuguese) to live for a longer period than one or two years.

To His Majesty the King of the Belgians, to Colonel Strauch, president of the International Association, and to Mr. Henry M. Stanley I am indebted for most polite and courteous attention, and my sincerest thanks go out to Colonel Francis de Winton, governor-general of the Free States of the Congo, to Dr. Rolph T. Leslie, who was my companion for many days, and to Mr. Jung and Mr. de la Fontaine, of the Dutch African Trading Company, as well as to many other gentlemen of the Association staff, from all of whom I received the greatest possible kindness.

I have, &c.,

W. P. TISDEL,
Agent of the United States.

[Inclosure 1.]

Contract with the International Association.

Between M. Strauch, acting in the name and on behalf of the International Association of the Congo, on the one hand, and Mr. ——— on the other, it has been agreed as follows:

ARTICLE I.—The second named engages himself in the service of the International Association of the Congo during a term of three years, beginning on the ——— day of ———.

However, if the chief of the expedition recognizes after one year's experience that Mr. ——— possesses neither the temperament nor the special aptitudes necessary for a traveler in Africa he will have the privilege of canceling the present contract.

ART. II.—The second named binds himself for all that concerns his service to an absolute obedience towards the chiefs under whose order he may be placed. He promises

to give them an active and devoted co-operation in every circumstance and to faithfully execute the instructions that he may receive from them.

ART. III.—The chief of the expedition has the right to cancel the present contract in case of grave insubordination or for habitual misconduct.

ART. IV.—Mr. ——— enters the employ of the International Association of the Congo more especially as ———. However, he recognizes the right of the Association, as well as that of the chiefs under whose direct orders he may be placed, to assign him to any other functions suitable to his knowledge and aptitudes.

ART. V.—Mr. ——— expressly agrees not to furnish to whoever it may be any scientific or commercial information about the countries explored, not to make any communication, verbally or by writing, concerning his mission or the missions of the other members of the expedition, not to make known the projects of the Association, its researches, the results obtained or expected, &c. In a word, he binds himself not to give to the persons with whom he is now connected or with whom he may hereafter be connected only such information as concerns them personally and exclusively.

Mr. ——— agrees to strictly observe the preceding article not only during the term of the present contract, but during a term of five years from the date of the canceling of this contract, for whatever cause it may be.

Any violation of the present article will involve, by right, a penalty of 20,000 francs for Mr. ———, without prejudice to all other damages.

If any violation of this article occurs during the term of the present contract the Association will have, besides, the right of canceling this contract.

In case Mr. ——— should die during the duration of this contract, or before the expiration of the term of ten years, it is expressly stipulated that the provisions of the present article are to be observed by his heirs or representatives as they would have been by Mr. ——— himself until the expiration of the ten years, and this under the same penalty of 20,000 francs.

ART. VI.—The collections that Mr. ——— may form during the term of his service are the property of the Association.

ART. VII.—The Association allows to Mr. ——— for his services an annual salary of ———.

This salary may be increased by the president of the Association, on the recommendation of the chief of the expedition, according to the nature of the employment which may hereafter be given to Mr. ———.

The salary of Mr. ——— will be reckoned and paid by twelfths. Nevertheless, each twelfth will be considered as really due and exigible only three months after the expiration of the term to which it relates, the first term being payable the ——— and the others by the month from this date.

The salary of Mr. ——— begins on the ——— day of ———, and will cease only on and after the forty-fifth day of the date of his embarkation for Europe; but on condition, however, that he returns only on account of one of the three causes of the canceling of the present contract, which are indicated below, namely:

(1) Expiration of his term of service.

(2) Sickness occasioned by the climate or by the fatigue of the service of the expedition, and which is of such a character that it prevents the person attacked from remaining in Africa; the malady must be verified by a certificate from a doctor of the expedition or from a doctor designated by the chief under whose orders the agent is placed, or from the chief himself when there is no doctor.

(3) Canceling of the present contract by application of the terms of the second paragraph of Article I.

ART. VIII. Should Mr. ——— voluntarily abandon the expedition he will be bound to pay a sum of 5,000 francs to the profit of the Association by way of damages, and this sum without prejudice to all other damages that may be due under whatever title.

ART. IX. Should Mr. ——— quit the service of the Association for any other cause than one of the three provided for in Article VII, and especially in the case mentioned in the preceding article, or by reason of the canceling of the contract for causes contemplated by Article III and V, he will cease to have any claim for salary from the day that he quits the service of the Association, and he will lose all rights to the half of the sums that have been allowed to him as salary during the duration of his service and which have been deposited at the savings bank, according to the terms of Article X, which follows hereafter; the whole without prejudice to the damages that the association will have the right to claim either by virtue of the provisions of the present contract or by law.

Nevertheless, the sums deposited at the savings bank, and which would become the property of the Association by virtue of the present article, will be deducted from the penalty of 20,000 francs stipulated in Article V and from that of 5,000 francs stipulated in Article VIII, in every case where these penalties may become applicable.

ART. X. The salary of Mr. ——— will be paid at the period determined by Article VII, and in the following manner:

The first half will be paid into the hands of the person whom he will have chosen and authorized to receive it, through the treasurer of the Association at his office, rue Brederode 7. The second half will be deposited at the savings bank in guarantee of the fulfillment of the obligations that Mr. ——— has freely accepted by the present contract.

The deposit will be made in the name of the treasurer above mentioned, who has signed the present contract and who agrees to have transferred to Mr. ——— or his representatives the amount of the sums thus deposited and the interest due upon the presentation of a certificate indorsed by the president of the Association and stating that Mr. ——— has fulfilled his obligations towards the Association.

ART. XI. The Association assumes the following expenses:

- (1) The price of a ——— class outward passage ticket for Mr. ———.
- (2) The food and lodging for Mr. ——— in the conditions appropriate to the circumstances during the duration of his stay in Africa.
- (3) The price of a ——— class return-passage ticket, but only on condition that this return is justified by one of the three causes indicated in Article VII.

All expenses of the voyage except that of the passage ticket will be borne by Mr. ———. However, the Association allows him the sum of ——— for his private expenses during the duration of the outward voyage. In case the return voyage is made at the expense of the association, as provided in paragraph (3) mentioned above, Mr. ——— will be allowed the same indemnity.

ART. XII. Should Mr. ——— quit the service of the International Association of the Congo, he agrees not to enter the employ of any company, society, or private individual whatever working in tropical Africa without first having obtained the written approval of the Association.

This interdiction is limited to a term of three years from the day when Mr. ——— quitted the service of the Association.

Any violation of the present article involves by right a penalty of 20,000 francs, without prejudice to any other damages.

ART. XIII. The end pursued by the Association is an absolutely disinterested one. The promoters of the work, obliged to proportion their sacrifices to their means, have resolved to never accept only such charges as those whose duration and extent they can calculate in advance.

The attention of Mr. ——— has been expressly called to this decision. He recognizes that the obligations of the Association toward him or his representatives are strictly limited by the terms of the present contract, and that in no case neither he nor his representatives have any right to reclaim an indemnity or any compensation whatever on account of sickness or accident which causes death or an incapacity to work.

BRUSSELS, BELGIUM, ——— —, 188—.

[Inclosure 2.]

Mr. Tisdal to Rear-Admiral English.

VIVI, CONGO, *January 31, 1885.*

SIR: I have the honor to inform you that I am leaving to-morrow for Stanley Pool, and having received from both the State and Navy Departments a copy of the instructions which have been given you, I beg to refer thereto, and offer the following suggestions:

In regard to that portion of your instructions wherein you are directed to communicate with me, I do not see how it will be possible for you to do so until my return from the interior, when I will join you on board the flag-ship and gladly give you the benefit of any and all information of which I may be possessed.

As to the detail of an officer or officers to proceed to Stanley Pool, I beg you to communicate with Colonel Sir Francis de Winton before making such detail, as he alone can order the necessary arrangements to be made and give you valuable information and suggestions as to the manner in which the detail should proceed. They should accompany a caravan, and be provided with all necessary stores, tents, cooking utensils, &c., and under no circumstances should a sailor or marine be allowed to accompany them. Every white man requires from six to twelve carriers, and every carrier takes from the International Association a much required laborer, and is a drain upon the treasury of the Association. Excepting from a scientific point of view, I cannot see what is to be gained by sending an officer or officers to the interior, and if it is for

scientific purposes that the detail is made, no possible good can come from it without a special and large caravan, which should be fitted out at the expense of the United States Government, and under the direction of Colonel de Winton. In my opinion such a caravan would require at least four months to march to and from the Pool.

Unless you consider that your instructions are imperative upon this subject, I would recommend that the proposed expedition to the Pool be abandoned, and that you confine your operations to the valley of the Lower Congo.

As soon as your arrival at Banana is announced Colonel de Winton will go in person to the coast to welcome you, and I beg that you will arrange with him to salute the flag of the Association. The United States having been first to recognize the flag of the Association as the flag of a friendly power, we should also be the first to salute the flag, and that honor has been reserved for us up to the present time.

Colonel de Winton will give you an especial invitation to visit Vivi, and I sincerely hope that you will avail yourself of the earliest opportunity to come here. The officers of your command will also find a welcome at the different stations, Colonel de Winton having already sent the necessary instructions.

If it is your intention to send the Kearsarge up the river, I most earnestly recommend that the navigating officer of the ship be sent over the entire lower river before the ship passes beyond Banana. The survey and soundings of the lower river are bad; the banks are constantly shifting; sunken rocks are numerous; the current is very rapid, and dangerous whirlpools are encountered, yet there is an abundance of water to float the largest ship to Boma, and without doubt far beyond. A Portuguese ship of war has recently ascended the river to a point near Kala Kala, about 12 miles from Vivi, and found at many places 150 fathoms and upward.

It is my intention to reach the coast again anywhere from the 20th of March to the 20th of April, as, traveling by special caravan, I hope and expect to make good time.

I have, &c.,

W. P. TISDEL.

[Inclosure 3.]

Mr. Tisdal to Rear-Admiral English.

BANANA, CONGO, *March 20, 1885.*

SIR: I have the honor to announce my arrival at this place, the 19th instant, and having completed my mission in accordance with instructions from the Department of State, I shall leave by first opportunity for Europe.

I regret very much not being able to communicate with you in person before my departure, in order that I might give you a verbal account in detail of my trip up country.

Referring to your order in the matter of the cruise of the Lancaster and Kearsarge, I think that you will be justified in returning at once to Europe, and I earnestly recommend that you do so. As I interpret your orders, the Government of the United States intended that a detail of officers should be sent to communicate with me at Stanley Pool, and that the ships should cruise off the Congo until such time as I should return to the coast. You were instructed also not to make undue haste in your departure, but at the same time you were admonished to have due regard for the health of your officers and men.

I recommend your early departure: First, because from a sanitary point of view it is absolutely dangerous to remain here, the climate at this season being particularly bad. Second, having finished my mission the object of your coming cannot be realized. Third, the question of the Congo having been virtually settled, there is no further need for a ship of war here (particularly an American ship of war).

I must give great credit to the International African Association for the work which they have accomplished in opening and maintaining a line of stations from the coast to the remote interior of Africa. They can continue these stations just so long as the money which supports them shall hold out, and no longer. The reported wealth of the up country has, in my opinion, been greatly exaggerated, and admitting for a moment that all the glowing reports of good climate, fertility of soil, wealth of mineral deposits, and inexhaustible stores of ivory are true, it would still be an undesirable and unprofitable country for the white man to make his home, or to embark in any business enterprise.

Between Vivi and Stanley Pool I saw on all sides misery, want, sickness, and death amongst the employés of the Association. The country does not and cannot produce food for the white man to eat, and barely produces enough for the natives.

In the lowlands along the coast, within a 60-mile limit inland, the country is rich, and the established trading companies have been moderately successful; but now the

business is overdone, and I fear that the excitement caused by the reports which have been laid before the Berlin Conference may lead to much suffering on the part of would-be traders and missionaries, who are rushing into a country and climate for which they are wholly unsuited, and from which no good results can possibly come.

In the matter of the United States Government acquiring land in the Lower Congo, I beg to say that all the eligible sites on tide-water are in the hands of old established houses, and can only be secured upon the payment of large sums of money. I do not deem it advisable or desirable that the United States should become the possessor of lands here under existing circumstances.

If Americans wish to invest capital here, for purposes of trade, they can acquire locations, as others have done, and as for the United States attempting to make coaling stations here, it is absurd. Coals and stores can be purchased from the Dutch African Company at prices 25 to 50 per cent. lower than they can possibly be laid down here by our Government.

I have, &c.,

W. P. TISDEL.

COREA.

No. 229.

Mr. Foulk to Mr. Frelinghuysen.

LEGATION OF THE UNITED STATES,
Seoul, Corea, October 10, 1884. (Received December 27.)

SIR: I have the honor to forward herewith a report of observations made during a journey into the interior of Corea, made by me between September 22 ultimo and the 8th instant. The report is transmitted in three packets, and addressed to the Department of State, in accordance with its letter of appointment to me, dated November 12, 1883. The report is of the nature required of me by my letter of instruction from the honorable Secretary of the Navy, to whom I inclose herewith a communication relating to it.

I am, &c.,

GEORGE C. FOULK,
Ensign, United States Navy, Naval Attaché.

[Inclosure.]

REPORT OF OBSERVATIONS MADE DURING A JOURNEY IN THE CAPITAL DISTRICT OF KOREA.

On September 22, I left the capital to visit the cities of Songto, Kangwha, Suwon, and Kwangju, thus to make a circuit of the capital district, the largest in population in the country and most important as regards trade and consumption of products. The cities are the most noted of Corea and are generally regarded as embraced in the plan of the capital. Their governments are wholly independent of those of the eight great provinces of Corea, being presided over by Yusu, or governors, of equal rank with those of the provinces. I visited the cities in the order named above, traveling for the most part in small, flat-bottomed chairs carried by four coolies, two at a time, that being, on account of the hilly nature of the country and condition of the roads the most rapid and comfortable means of conveyance to be had.

The road from Seoul to Songto runs in a direction a little west of north, and is a part of the highway to the northwestern provincial capitals and to China. It leaves the west great gate of the city, and crosses three counties before reaching Songto, passing from one valley into another over low cuts in the hill crests.

I did not, however, leave the capital by the usual route, in order to visit an attachment of the capital of which I had not before heard called the Pukhan, in the company

of a military officer. Leaving the capital by the northeast gate we skirted its wall until a point due north of the palace was reached, at which is the gate in the wall used only by the King in his escape from the city in time of danger. This communicates with the palace, and is customarily kept closed. From it a narrow footpath leads northward, on the top of a steep bank of coarse granite sand, to a rocky ridge some 200 feet above the city level. The sand forming this bank is heaped up to preserve the path yearly at considerable cost. The King having passed over the path in fleeing from the city, the removal of but a small quantity of sand from the bank below would destroy it altogether, leaving the bank a hard, steep slope, extending sharply from the base of the wall downwards a distance of a hundred feet. The pursuers could then only descend the bank with difficulty in a direction at right angles to that taken by the King.

Our route from this gate was that the King would take in fleeing from the city. It lay across a great basin walled across its western side and bounded in all other directions by sharp, rock-crested hills to a spur range of mountains averaging 2,000 feet in height. Intentionally there is no road across this basin, and we only crossed it with the greatest difficulty. Nearing its north boundary, the lofty rocky crest before us was seen to be strongly walled, though its precipitous rocky sides naturally formed an impassable barrier to any enemy. Ascending to the top of the crest, we came to a massive granite arch, closed with iron-bound doors, and guarded by the priests of a small Buddhist temple close by. Passing through this gate, I was amazed at the view before me. This was a great mountain-walled ravine, with almost perpendicular sides, a full thousand feet deep. The whole ravine seemed closely encircled by the mountain ring, 2,000 feet high, on which ran the heavy wall through which I had passed. At points in the lofty wall were massive gates, masked by the wall in front, which would have to be broken through in escaping by them.

Descending 700 feet, we met a small mountain stream, following which by the only path in the mountain-walled inclosure, we passed entirely through it. In the very bottom I observed barracks for troops, filled store-houses for provisions, a small palace, and a number of Buddhist temples, at which the priests were noisy parties of soldiers. East and west of the palace, on peaks about 1,000 feet high, were small signal pavilions, whence the movements of an enemy could be signaled directly to the King.

This remarkable fortress is the Pukhan, the secret hiding place of the King, the existence of which would never be suspected in any but a most critical examination of the Seoul vicinity. It is entirely unknown to foreigners, and ordinarily unvisited by natives, who seem averse to speaking of it. I was the first person not a Korean to whom it was exhibited, and this with a view to obtaining advice as to the erection of modern batteries along its approaches. The Pukhan was founded with the capital more than four hundred years ago, and has been maintained as a refuge for the King ever since. It has, however, never been occupied by him, another fortress, to be described later, having been used in the wars with Japan and China. At the time of its establishment the Buddhist priests of the Seoul vicinity were forced to be its guardians. These live in thirteen temples built in nooks of the ravine. They wear their hair cropped short, but in other respects appear as soldiers. Near the temples are arsenals in which are kept matchlocks and small guns of obsolete patterns.

Our exit from the Pukhan was by its west great gate. Here the stream escapes in a narrow gorge defended by a double line of massive walls. From here crossing a hilly stretch of country we got on the main road to Songto at a point twenty Korean li, or 7 miles, from the capital, and the same distance from the first town on the road worthy of note. This was Koyang, the capital of the county of that name; it consisted of about two hundred low thatched huts of the most wretched description lining the road, with a group of tiled buildings with curved roofs at its east end, in which the head county officer lived. There were a few shops of the most unsightly description at which straw, sandals, candles, tobacco, a few vegetables, and worthless odds and ends were sold, and a number of inns, indicated to be such by disordered heaps of meal-stools, jars, and dirty dishes in tumbled-down, smoky huts, with bare earthen floors, open to view from the street. Koyang is at the head of a valley planted thickly with rice, which opens out into broad rice plains along the right bank of the Seoul River.

Leaving Koyang, we soon entered the second county, Phaju, like that of Koyang, geographically determined by a valley thickly planted in rice, but more winding and of greater aggregate area. From the low pass by which we entered it two striking colossal figures in granite were in sight, projecting from a wooded hill close to the road. An examination proved them to be formed of great boulders, rudely carved to represent Korean heads piled upon a rounded mass of rock projecting from the hillside. The latter was carved to represent garments over the busts of the two figures, which were capped with enormous stone hats of the Korean style. Upon inquiry, I find the origin of these figures is entirely unknown, though they are supposed to represent gods of the locality, and are made offerings of food and wine. One figure is called a man, the other

a woman. Their hat-brims are round and square, respectively, and the hat-tops in four or five sections of a shape like figures in China and Japan representing the five elements. These facts would suggest that the figures represented the male and female elements of the universe. The base of the rock on which they stand is 120 feet above the valley; above this the height of the figures is about 46 feet. They stand stiffly erect, with startled, fierce expressions of face, which makes them very different from stone images commonly seen in China or Japan.

Phaju, county town, is 14 miles from Koyang. It is a first-class county in the province, presided over by an officer called *moksa*, two grades higher than that of Koyang (Kunsu). The town contains about three hundred houses, of the same wretched description as those of Koyang, with the same proportions of shops, the whole contents of any one of which might be purchased for four or five dollars; at one or two places some Chinese trinkets in colored silks were sold and the smallest amount of cotton piece-goods. Phaju is above the average Corean large town in importance and size; yet there were no evidences of trade or town government, as we understand them, worth noting. It is but the official residence of the officer who collects the revenue of the valley, surrounded by the bulk of the peasants who cultivate it. The Yong-mun, or official residence, seems very imposing as compared with the flat, brown, paintless area of huts about it.

A few miles beyond Phaju we came to a clear, deep stream here called Imjin-Kang (Imjin River). This is a stream nearly as large as the Seoul River, which rises in the middle of the peninsula and empties into the Seoul River near Kangwha after flowing a winding but generally southwesterly course. Its mouth is shown on foreign charts of Corea under the name Tchang-tom-Kai, the French rendering of Chang-dan-Kang, which is the name most applicable to the river. It is a singular fact that Coreans have no names applicable to most of their great rivers from the source to the sea, dividing them into sections known by the word "Kang" affixed to towns or counties along them. The south bank of the river where we met it was a line of densely wooded hills, through which the road passes in a low cut filled by a heavy wall and massive granite gateway. Behind the wall is Imjin, whence the river here takes its name, the residence of an officer called Pyel-chang, who performs with others, certain military duties. Further down the river in continuation of the wooded hills is a long line of grassy earthworks erected in the last war with Japan. The river here is a quarter of a mile wide nearly, and varies in depth to its mouth from 6 to 18 feet; there is no tide and but a perceptible current at this point, which confirmed the impression I formed in viewing its mouth in a trip down the Seoul River that the river was obstructed there by barrier shoals. About Imjin and several little towns on the north bank I observed a number of boats of 3 or 4 feet draught; these may go to the towns near Seoul, the trip occupying a day, and to points 30 miles up the river from its mouth. This river is likely to prove navigable and of much importance to the Corean Navigation Company about to be established by Americans. Near the source of the river gold and silver have been reported. The boats plying on it carry wood, grains, salt, and vegetables.

The river forms the boundary between Phaju and Changdan Counties, on which account, in the absence of a distinct name for the general stream, the name, Chang-dan River (or Chang-dan-Kang), seems to me most applicable. Crossing the stream the road continues on northward through a slightly more hilly country, with narrower valleys. While none of the trees were very large, I noticed many straight pines, some of which, at the village of Oijang-pho, were being worked up into flag-staffs for Chemulpo, and fine oaks which were suitable for building purposes. The great product of the valleys was rice, but there were considerable quantities of beans of several varieties; the oil-bearing plant, *sesamun orientalis*, of two kinds; millet; broom-corn, raised for the edible seed; small patches of cotton, tobacco, red peppers, and castor-oil plants, all these grown on the higher parts of the valley and along the borders of the rice fields. The style of farming was most primitive and irregular, though that of rice seemed well understood. But little land is wasted, and some gained over the rice paddies of Japan by having fewer roads and paths in them. I should judge the yield of rice in the area covered by my journey to be at least equal to that of the same average area in Japan. The other products were singularly mixed—sometimes three different kinds, but of different sizes, growing indiscriminately otherwise in the same bed. The quantity of red peppers grown is enormous, probably exceeding that of any other country of the world. These cut up in fine pieces figure in nearly every kind of Corean food; they are commonly spread out on the thatched roofs to dry after harvesting, covering them fiery red. Pumpkins of large size are planted by the houses everywhere, the vines overrunning the roofs, which looked oddly enough supporting the great green vegetables. These remarks apply to the whole of my route, except that close to the Seoul River and south of it the cultivation of rice was greater and that of the other products correspondingly less.

The summary of my observations in regard to food products grown in the district embraced by my route is that the amount produced, consisting almost wholly of the kinds above named, is at least ample for the needs of the people living in it exclusive of the population of Seoul, and that it is distributed at least well enough to feed them all well, with no surplus for the common people.

The next county town, Changdan, 120 li (42 miles) from Seoul, was situated, and in general description, like Phaju, but smaller, containing about one hundred and fifty houses, clustered about an unusually imposing group of official houses. Changdan is of the second rate, the government of a Pusa. The place presented the same homely, peasant village air as Ko-yang and Phaju. Like those places it was situated at the head of a valley system, drained southward into the Seoul River. In a trip down the latter river one is struck with the absence of signs of human life along its banks, particularly the northern one; this is explained by the site of these county towns at the heads of valleys opening out on the river, but owing to their windings and narrow lengths out of sight from it; in these towns live the people who farm the distant river plains.

During the last stage of the journey to Songto I passed through one of the "chang" or fair places (of which there are many hundreds in Corea), at which the chief trade of the land is carried on. These are readily distinguished, even at a distance, by their sites in the middle of plains or at cross-roads, but always by a stream of water. They consist of a few inns, about which are rows of clumsy sheds, thatched or covered with branches. There are several of these in each county, generally just beyond its borders on the main entrance roads. Here six times in each month a fair day is held; on other days the changs are all but deserted. At fair times, as I observed at a number of changs, a great crowd of Coreans collect, forming a noisy, wrangling pack, buying and selling products of all kinds. Most striking of the sales are those of bullocks, fine, large animals, of which I observed several times as many as 400 grazing about the chang. The articles brought for sale by individuals are small in amount, only what a man or pack animal might carry, but the aggregate amount is considerable. The goods are spread out on thick mats on the ground in the sheds or streets about which the people squat or stand, each with his goods by him, or a heavy string of brass coins on his shoulder. Rice brandy goes around freely, and by nightfall the noise and wrangling and drunkenness are terrific. The goods sold are salt fish of several kinds, sea-weed, farm products of all kinds, oil, paper, rice-cake for making brandy, small quantities of coarse cotton and flax cloth, wooden lantern-frames, basket-ware, rush mats, &c., in addition to horses, cattle, pigs, and occasionally dogs. Pigs seem to be very common; they are small, black, and cleaner than those of China, skinny and muscular. The changs are undoubtedly the chief means of carrying on internal exchange. Having seen them, it is easy to understand the almost utter absence of trade in the towns and ordinary villages. The system gives rise to a large body of traveling pedlars and porters; for if the goods are not sold at one chang they may be carried on to another, where a fair is being held on the following day. For many years past a regularly organized guild of these pedlars has been in existence.

This became so powerful that it was taken up by the Government a few years ago under the name Pusang, as a kind of military reserve, and placed by sections containing 1,000 members under regular officers of the Government, who in consequence bear additional titles. The whole guild was thus raised in social standing, and is believed to be intensely patriotic. They often prove useful as detectives for the Government; a description of the person wanted having been given the Pusang men, it is conveyed from one to another, commonly written on the inside of a bowl kept covered closely. As they are constantly moving, it generally happens that they find the person wanted. The number of the body is estimated at from 100,000 to 150,000. They are scattered over the whole country. A similar guild of porters and other lower people also exists called Posang, but regarded as much inferior to the Pusang, in which there are many persons of quality.

When within a few miles of Songto the ginseng farms, for which the locality is noted, began to appear on the hillsides on tracts raised a little above the rice paddies. The approach to the city wall was lined with memorial stones—many in graceful, small, pavilion-like structure, decorated in brilliant red, and with coarse carving. These stones are often raised by the people in memory of officials; some were of excellent marble, and all were admirably dressed and carved.

As I have stated before, the road to Songto from Seoul is a great highway, so regarded because it connects the two largest cities of the country and leads through two large provinces, as well as being the one road to China. Its condition would, however, not indicate it to be such to any foreigner. At times it was wide enough to admit the passage of a narrow vehicle, but, then, again became a deep path in the grass and at all times was uneven and rough. No vehicle could be used over it, and travel over it is by foot, pack animals, or chairs carried by coolies. I saw few or no goods in transporta-

tion, and the number of people passing over it were surprisingly few. A great many streams were crossed, most of them forded with difficulty, and at two only were there sound bridges. Practically it was but a mountain path enlarged slightly. The houses are so small and packed so closely together at wide intervals in towns and villages that in the general view of the country we must wonder where are the farmers who cultivate the rice valleys, and experience a feeling of loneliness.

Songto is situated very much like Seoul, at the foot of a chain of rocky mountain peaks, shut in east and west by hills and open only to the south. It is walled strongly and has three great gates, of which, as at Seoul, the south one is the great thoroughfare. The area embraced by the wall is about one and a half miles square; this area was said to have been filled with houses when the city was the capitol four hundred and ninety-four years ago, but at present only the central, southern, and southwestern section are built up. The population within the walls was stated to be 30,000; that outside along the main entrance road to the south gate, 20,000. The city presents along its one street, which leads from the south gate, a very busy air for a Korean town; this street within and without the wall was lined with shops of various kinds. Outside the gate were many venders of coarse flax cloth, shops at which rush-mats and basketware were sold, a few stonecutters and blacksmith shops. Directly inside the gate were many paper stores, others of which a few cotton piece goods, Chinese trinkets, second-hand utensils and clothing, pork and beef in horrible chunks, candles, tobacco, &c., were sold. In the street in front of their houses grain merchants expose rice, millet, beans, raw cotton and oil-seed. The other parts of the city were as quiet as a country village.

The ordinary houses of Songto are better built and larger than those of Seoul, and the streets cleaner and more regular; at one or two places I actually saw attempts at decoration in having a few flowers about the doorways, and sheds covered with fresh green boughs over them. Under the butcher's stands, too, were heaps of stones in which unsightly matter from them was drained out of sight. Songto is quite noted for the oiled paper prepared there, used in making rain cloths, pouches, and other water-proof articles; the paper itself is brought from the southern provinces, the oil, which is only applied here, from the country in the vicinity and to the northward, where it is most largely produced.

The chief product of Songto, however, is red ginseng, for which it is the first district in Korea. This ginseng is cultivated at many farms within and about the city walls. The root, when taken from the ground, is called white ginseng. During the process of curing it becomes red. The cultivation of the root is peculiar and difficult, six or seven years' constant care of the plant being required from the time the seed is planted until it is matured. The sale of red ginseng is a monopoly of the Government and has been so for many years; it is on this account a prohibited article in all the treaties of the foreign powers with Korea. A great deal of it is, however, smuggled to China, though there is a death penalty on the practice. The revenue derived from its sale to the Chinese amounts to about \$200,000 each year; no estimate of the amount smuggled can be made, but it is considerable. In the company of the magistrate and tax-officer at Songto I made a close inspection of several ginseng farms, and have embodied the information thus obtained in a special report on it to be transmitted herewith.

During my stay at Songto I was the guest of the yusu or governor of the city. His yongmun, or official residence, is in the southwestern part of the city, and is of the type common to such buildings in Korea. The approach is by a wider avenue than common, crossed by a section of red palings, supported high overhead by two great red poles. Beyond this comes a series of high-covered gateways, painted red, with the Government sign, of the shape seen in the center of the Korean flag, painted on them. These gates are in walls separating open courts, from which doors lead off right and left to guest and other buildings. The official house is in the last court, like nearly all Korean houses of pretension, facing the south; it is a strongly-built structure, with heavy curved tile roof on a cut stone foundation. The main front is open, and appears as a covered platform, in the center of which the governor sits, on occasions of great ceremony, facing his braves in the court below. Off this platform are two little rooms, sometimes four on each side; here the governor customarily lives. The floors are of oiled paper, the walls of mud or paper that was once white. A mat or two, a chest, a soft cushion, and a straw bolster on the floor, constitute the chief furniture; these may be supplemented by a brass or wooden pan for ashes in smoking, an ink stone, and a candlestick. Though the gates are painted, little or no paint is on the buildings, and however new they may be, all the officers' houses I have seen presented a weather-worn, shabby appearance, and dilapidated from the bits of paper torn from the sheets used largely in covering panel and sash frames about them.

About the courts of the yongmun is at all times a great crowd of attendants, police-runners, and soldiers in coarse uniforms of variegated colors indicating their position. These pass the orders of the great man within in long-drawn shrill cries heard long dis-

tances away from the yongmun; they come and go carrying and bringing messages. Squatting with heads close to the ground they speak in stage tones to the officer in the high place within from morning to night, at both of which times at the opening and closing of the gates there is a great clatter of drums, shrill fife, and weird cries; all seems bustle and confusion, believed to be necessary to the dignity of the officers. I was assigned to a kil-chung, or guest-house, off the main court-yard. This, like all official houses I have seen, was in general arrangement like that of the governor. A host of braves were detailed to provide for me. Their attentions were painful in time. If I tried to nap, the word went forth "The great man (tai-in) sleeps; be still," and in a little time a continuous wrangle and racket began, preventing all sleep, in the efforts of the braves to keep each other quiet, and thrashing vigorously the citizens who came to get a peep at the foreigner. Meals appeared six times the first day, seven the second, and at short intervals during the day an officer appeared to ask if I had eaten well, and if so, to thank me.

On the second day of my visit, the magistrate accompanied me to inspect a mountain retreat, similar to the pukhan in almost every detail, some fourteen miles due north of the city, in the mountains. Our escort, not an unusual one, numbered forty persons, and was preceded by two police-runners who shouted long calls in a high key, thrashed small boys in the way, knocked hats off men, and pushed aside old women. At all times in the city a fleeing crowd was ahead, while about us the street was entirely deserted. Outside of the city an old man was arrested for taking a shy look at the foreigner, and pushed along by the runners to be punished at the first halting place. I succeeded in persuading the magistrate to let him go finally, when the poor old fellow got down almost flat to the ground to thank me. At no other city have I seen such harshness shown towards the people, and it may be accounted for in the lingering distrust of the Government of the loyalty of the Songto people; until recently the latter could not attend the examinations for office, and even yet no high office can be obtained by a citizen of Songto.

The mountain fortress here is a relic of the time when Songto was the capital, nearly 500 years ago; it has received no attention beyond placing a few Buddhist temples in it, the priests to act as guardians and a few peasants to maintain one or two houses for occupation in cases of extreme necessity. The approach to the fortress is even more difficult than that of the pukhan, being by deep, wild, densely wooded ravines over the most wretched path. I went entirely through it, passing from its south gate to the north one, outside of which is a famous water-fall 100 feet high, of the stream draining the ravine; from here northward the view extended unbrokenly over precipitous frowning mountains, one rising above the other. The rocks of the ravine were carved with many thousands of names in large, beautifully cut Chinese characters; some of these were in almost inaccessible places and could only have been executed at much expense. I would fail utterly in describing the wild and striking scenery of the ravine.

It was nightfall when we started to return. The magistrate, who was an officer of the Pusang, the peddler guild of which I spoke before, brought his seal into use and called out thirty of the body to light us down the mountains. Where these men came from or how they were called I did not understand, for we were apparently in an uninhabited, wild mountain district. They appeared quickly, great rough mountain men, each wearing a straw hat with a cotton ball in the band, and the characters "Fidelity" and "Loyalty" written on the brim. We descended the worst ravine in a long weird, winding procession, the mountains and our path weirdly illuminated by the pine torches of the Pusang men, who uttered shrill reverberating calls continually to indicate the road or each other's whereabouts. Suddenly we came upon a little pavilion in the darkest part of the first gorge; here some two hundred more Pusang men were assembled by a wild stream in the light of many bonfires and torches; on the call of the magistrate they had prepared a feast for us here at midnight in the mountains.

Here the magistrate told me he had been asked by the late minister to the United States, Min Yong Ik, to suddenly call on the Pusang men of the Songto district for services, to show me the usefulness and fidelity of the body, and he had selected this place, the middle of the mountains, and time the middle of the night. I need not say that the experience was wonderful and impressive. The manner of the magistrate to the Pusang men was most kind and pleasing, and they likewise exhibited the utmost regard and deference to him. I was assigned the place of honor at the feast, in the middle, before the largest table, which was piled with a great variety of foods. The leading Pusang men, old men, nicely dressed, with kind faces, were presented to me, and exhibited curiously their pleasure in thus talking pleasantly with a foreigner for the first time in their lives. The fact of my traveling in Corea utterly alone (so far as the company of other foreigners was concerned) seemed to please them very much.

In returning to the city, our own escort was sent to the rear at the request of the Pusang men who took charge of us. They carried us across rocky streams, up and down rocky gullies, energetic and cheerful all the while, a distance of 8 miles; thence on into

the city over a comparatively level road. Thirty or forty men carried torches which were found lying across the path at regular intervals to light the way. At 3 a. m. we arrived at the yongmun; here the Pusang men were dismissed to return for the most part to their homes in the mountains.

Relics of the time when Songto was the capital are comparatively few and insignificant. All that is left of the palace are a few foundation walls and stone steps about a plateau in the north side of the city. Outside of the walls on the east side of the city is a small stone bridge, now railed in reverently, where a prime minister was assassinated at the beginning of the present dynasty. A mark of suggestive flowing shape on one of the stones is pointed out as traces of his blood. This prime minister was the only officer who would not assent to deposing his King, and on this account was assassinated; though thus having been antagonistic to the object of the founder of the present dynasty, the latter has honored his faithfulness to the King by erecting near the bridge a great memorial tablet of magnificent black marble which was originally overlaid with gold, the traces of which are yet visible. This tablet is capped with a graceful granite head-piece and mounted on the back of a gigantic granite turtle, carved cleverly out of a single block 12 feet long and 4½ feet thick. By the side of this memorial structure is a very similar one erected by the present King about ten years ago. The turtle is a symbol of immortality. A new bridge has been placed by the original one, and a stone tablet close by commands all people, great and small, to "get down" (not ride) in passing. There is also a memorial stone close by in honor of a servant of the prime minister; from this stone water is said to exude regularly. The large memorial stones are in an elaborately decorated house, inclosed by a neat wall. The black marble of the tablets is remarkably fine, and was produced in the Province of Chung-Chong-do.

The general condition of the city and people of Songto seemed to me to be above those of the other cities I have seen in Korea.

The second stage of my journey, from Songto to the Seoul River, *en route* to Kangwha, was through a country much like that before Songto, but as it approached the river the valleys widened considerably, and the streams draining them were larger. The last ginseng farm I saw was about 4 miles from Songto. Having gone about 11 miles in a generally southwest direction, we came to a more thickly-settled district, in which the villages were larger and more numerous, and then arrived at Pungthak, a county town at which resided a pusa. This was a small place of only fifty houses, but the yongmun was, though small, in much better condition than usual. This town is at the head of a great rice plain, opening out westward, on the edge of which quite a number of villages could be seen. Due south of it 4 miles, on the river, is a small port, Hae-chhang-pho, shut out of sight by a range of hills running east and west along its banks. From Pungthak we crossed the rice plain in a direction a little east of south, and then ascending the river hill range, descended in a due south direction a picturesque, narrow rice valley, at the bottom of which, snugly situated in a bend of the river bank, was Yong-jong-pho. The place consisted of perhaps three hundred houses of the most wretched condition, yet showed unusual signs of active trade; about it were great heaps of large earthenware jars for sale; cattle and horses, grains of all kinds common in Corea, together with Chinese trinkets and coarsely made Corean manufactured goods, as mats, cloth, basket-ware, &c. Before the town, and in a canal-like stream entering it, were twenty or thirty boats of from 8 to 20 tons.

Yong-jong-pho bears northeast of the north forts of Kangwha, and is nearly opposite the branch of the Seoul River, which makes Kangwha an island. It is thus at the union of three water highways; of four, if the Changdan River, a few miles to the eastward, be included. Two of these are from the sea, viz, the two branches of the main river flowing south and west about Kangwha, and the third from Seoul. The charts show a depth not less than three fathoms in the channel from the west, which is close to the bank in front of the town, while the other water approaches are known to be navigable for light draughts. The bank at the town is hard and comparatively steep. The town lies between two bold high points in a crescent-shaped hollow; to the eastward of it is a small raised plateau sheltered by the hills, which are wooded lightly. A mile east of the town is a very similar town site, slightly higher, in which is a fine grove of small pines. On the north shore of Kangwha, and in plain sight, are seven villages of more than unusual pretensions.

Situated under such circumstances, Yong-jong-pho impressed me highly with its adaptability as a treaty port. Situated on a large lake-like body of navigable water, in the midst of a comparatively large population, with four water approaches, on a direct and short water road to the capital, and already a natural ferry and transit port, it would seem to be in this respect far superior to Chemulpo.*

*Great ice obstruction in winter is almost the only exception to advantage of Yong jong-pho over Chemulpo as a treaty port.

I crossed the river in a southwest direction under sail in a Korean junk to the easternmost of the Wolkot forts of Kangwha, distant three miles and a half.

On the beach I was received by a magistrate and a large party of under officers, soldiers and police runners forming his suite. Passing through a granite arch in the wall, here near the water, and which connects the line of forts, we entered a small fortress. Here refreshments were served in the pavilion of the commandant. A procession was then formed, headed by a band of native musicians in uniform, and to its slow singular music of a monotonous, reedy character, we slowly approached the city, about two miles and a half distant. We entered the city by its east great gate, just outside of which 500 soldiers of the modern army recently formed in the capital were busily erecting the buildings of a military post.

Kangwha City, like the other cities I have seen in Corea, seemed but a large village of peasant houses in a heavily walled inclosure, its only air of importance being given by a few scattered groups of official buildings of proportions immeasurably out of keeping with the common houses. The governor's yongmun was on a hillside in the north of the city; near it was a palace for the occupation of the King when he uses the city as a retreat of safety. This establishment differed only from the usual yongmun, already described, by being painted in red, the royal color, found only on palace buildings, on gates of official buildings, and certain memorial shrines. Back of the palace is a field filled with tall, dark jars containing bean sauce for the use of the garrison in time of siege; near the east gate were large barracks for soldiers, and storehouses filled with Government rice. To the west of the palace, in a pretty valley, is the Confucian hall. The general features of the city site are much like those of Songto and Seoul; like them, the city opens to the southward, with hills in other directions over which runs the wall. On a hill in the southwest are some magazines and arsenals. While poor and homely, Kangwha City is, in the general view, peaceful and pretty. The only streets are the roads leading from the south, west, and east gates; on that leading from the south gate were many shops and stands at which small amounts of the usual commodities were sold. Kangwha City contains about 7,500 inhabitants, a little more than one-half the population of the whole island.

The island is hilly, with fertile valleys, in which there is a considerable number of small villages; the general aspect of the country is greener, more fertile than other parts of the capital district.

The notable products of the island are three, viz, fine tender beef-cattle, an herb medicine called "suk," and fine mats, with color decorations. The medicine is a small plant about eight inches high, resembling hoarhound, taken up by the roots, dried, and used in making decoctions for drinking or external washes. It grows in other places in Corea, but that of Kangwha only is generally used as a medicine. The quantity of "suk" produced is very large. Upon asking for a specimen stalk I was promptly presented with a thick wreath of it 120 feet long!

The mats, for which the island is famous, are made of a triangular rush. This is cut in June, and at once split up into fine pieces, which are shriveled into round straws by exposure to night dews for a month, after which they are stitched together to form mats of several thicknesses. These mats are very handsome, and constitute the most salable article to foreigners, probably, manufactured in Corea. Their attractiveness consists, in addition to neatness of make, in decorative borders, inclosing right lined designs most commonly, in superposing pieces of rush straw, dyed red, blue, green, purple, or yellow; these pieces, often very short and fine, are stitched on so cleverly as to give the matting the appearance of having been painted. The mats are rectangular in shape, of four or five qualities, varying in size from 3 by 6 to 4 by 12 feet. The pieces of matting presented to officers of our Government by the late Korean Embassy to the United States were made at Kangwha, but are not the largest or best kinds. About seventy families only make this matting, which is only produced in Kangwha; all they make is for officials, and there are no places at which it may be purchased. The manufacture of nearly all decorative articles in Corea seems to be limited in the same manner, but there are extremely few of such in the country.

I was rather struck with the fact that instead of oxen only, as in other parts of Corea, cows were used almost exclusively as pack-animals; they were fine-limbed, plump animals, as a rule, with short curled horns, and seemed to be very numerous.

The roads on the island were evenly broad, and ox-carts seemed to be far more commonly used than on the main land.

The entire north and east sides of the island are lined with a wall, and access can only be had through arches at several points; the principal of these on the east side are the one at which I entered at Wolkot, and that due east of the city at Kapkot (or Kapkoshi), by which I left the island. Near the latter place I observed some memorial tablets of fine-veined marble; I have since learned that Kangwha was noted for this and other fine stones.

Crossing the river at Kapkot, I entered the wall of Mun-su-san-sung, a nearly mountain-encircled fortress retreat, like the Pukhan at Seoul and that at Songto. The wall ran entirely over the mountain crest, which formed only three sides of the fortress, the fourth, toward the stream, being closed by the heavy wall only. Within the inclosure is a Buddhist temple, I was told, and several military buildings under the charge of an officer. Here, as at Kangwha City and at the forts of Kangwha island, there were no signs of guns or other weapons. Mun-su-san-sung is the retreat for the King attached to Kangwha City, three miles distant, as well as terminating the highway from Seoul. Its position and that of Kangwha, with those of the mountain fortresses at Songto, Seoul, and Krangju suggests that all these defensive retreats were established rather to a view of service in internal wars and insurrections than as against foreign invaders.

From Kangwha I went to Chemulpo, the chief treaty port. The distance between the two places in a straight line or by water does not exceed sixteen miles on the charts, but owing to deep indentations of the coast between and vast areas of mud flat, the land route is by a road leading east from Kangwha nearly half way to the capital, thence south and southwesterly, the whole distance being about forty-five miles. The road starts from the east gate of Mun-su-san-sung, from which the county town Tongjin is reached after a winding course of three miles and a half. Here a *pusa* (second rank head county official) resides in a town of about three hundred houses, at which the most striking feature was a circular, well-built stone jail, 75 feet in diameter, besides the imposing yongmun, a Confucian temple, and a large official guest house.

This county, Tongjin, was the finest I traveled through in my whole journey. The yongmun was in fine order, the *pusa* a dignified manly officer, the roads very good though narrow, and the crops most abundant. The county contains a population of about 10,000, and consists, in the main, of a long valley system, approaching the river obliquely, opening out upon it to the east. The road through it lay directly towards Seoul on the top of a ridge, and, for a distance of half way to the capital nearly, seemed well adapted for a railroad bed.

The river is but about three miles distant at Tongjin, and thereafter is gradually approached by the road; it is, however, shut out of sight during the length of the county by a low range of hills, along the inner base, of which I noticed many thriving farm villages. Viewing the country from the river along here it seems most desolate, and one would never suspect that close at hand along the hills was such a great population or prosperous country. Where the river hill line terminates, about seven miles east of Tongjin, the county ends in a great rice plain, opening out directly on the river; half of this plain lies in the next county, Kimpo, the county town of which, of the same name, is close to the river, but completely out of sight from it behind a wide shoal in it and a wooded bluff. Kimpo is of the same general description as Tongjin, but of slightly lower grade, having a *kunsu* for its head officer. Close to the town is a hill on which are earthworks and a small arsenal building, with some fire signal towers of the chain of such leading to Seoul from Kangwha. Off the town at a distance were some large junks.

The road to the capital continues on eastward from here, near, but out of sight, as if purposely concealed from the river; I turned southward here, following the edge of the great rice plain which constitutes Pupyon County, the county town of which is at its head ten miles south of Kimpo, under a well-defined hill about 900 feet high, marked on foreign charts as Courcel Peak. Pupyon is a place of considerable importance, presided over by a *pusa*. Near the town, which contains a small garrison and extensive Government store-houses, is a line of fortifications on a hill.

Going south from Pupyon, across an arm of the rice plain a distance of 4 miles, we entered at right angles the new road leading from Chemulpo to Seoul, where it turns eastward; a mile farther brought us to the old road close to the village Lok-pa-wi-chang, one of the *changs* or fair places before described. Here on fair days are exchanged country products for cottons, mirrors, kerosene, and small knick-knacks obtained from foreign traders at Chemulpo. From here the road winds northerly into Chemulpo, about 4 miles distant. Chemulpo, though illy spoken of by visitors from the Chinese and Japanese ports, presented to me, after my experiences in the interior, a place of great size and activity. It is growing rapidly, so far as the Korean, Chinese, and Japanese settlements are concerned, but almost at a stand-still with regard to western people. The difficulty with the latter seems to lie in too rigid an attempt to make their concessions at once like that of Kobe, Japan, the model adopted by the controlling parties, who are English.

The prices of the land in lots and the exaction that certain buildings must be built in costly designs of materials, now not readily obtainable in Corea, have driven away would-be pioneers, and restrain the efforts of those who are trying to brave the matter out by remaining. The object in these exactions would seem to lie in an attempt to freeze out other foreigners by the investment of the more abundant English capital in the far east. During the month elapsing between two visits to Chemulpo, I observed a very marked

improvement to have taken place in general business activity, in the number, character, quantity and variety, quality of foreign goods in Japanese, Chinese, and Korean stores, and in the settlements of these people; on the other hand, things seemed very perceptibly to have waned for the western merchants in every way. Some of the buildings erected by Koreans at Chemulpo are far superior to any I have seen anywhere else in Korea.

Suwon, the third objective point of my journey, lies nearly due south of the capital, a distance of 70 *li* (25 miles). I reached it from Chemulpo by journeying eastward over a hilly country much inferior in products and population to that I had heretofore seen, to the road leading from Seoul to Smoon; thence southward direct to the latter city, a total distance of about 38 miles.

The range of hills running eastward from Chemulpo, along which leads the road to Seoul, is the water-shed of the Seoul River; south of it the whole country to Suwon contains no stream of any size and is very irregularly hilly. The few narrow plains and valleys are drained directly into the sea.

Four miles east of Chemulpo I passed Inchun County town, a very small place, but the capital of a Pusa. It was at this place at which the American treaty was signed, there having then been no town where Chemulpo now stands. The population of Inchun County, which has been enlarged by the growth of Chemulpo from the influx of Koreans from various parts of Korea, was estimated at about 11,000. Directly opposite Inchun town is Chang-ja-Kol, a town of about equal size. The adjoining county south of Inchun is Ansan, with a capital of the same name; this place and the county in general is insignificant in size and products.

The towns already named were the only groups of habitations worth mentioning on the whole road to Suwon except perhaps two or three changes or fair places, which at the time of my visit were closed. The last 4 miles of road before Suwon are lined with picturesque old pines and numerous memorial stones. At one place is a resting-place and pleasure resort for the king by a small lotus pond. Near here is a small lake celebrated for a delicious kind of fish called "puoh."

Suwon possessed less of the military-fortress air than the other cities I had visited. The main part of the town, which seemed but a village of thatched houses, lay in a valley between two lines of pretty, pine-wooded hills. The wall line is nearly square, running over the hill-tops and across the valley north and south of the town; it is pierced for two great gates north and south and other small and masked ones for military purposes. The official buildings are closed against the western hill and comprise a very large yongmun and a small palace; from the former a wide avenue leads eastward, lined with offices, meeting the one real street of the city, which is but the road connecting the north and south gates, a section of the highway leading from Seoul to the southern provinces of the country.

On the top of the hill back of the palace is a very graceful pavilion called the So-jang-de, or stand for the commander-in-chief. From here the view over the country is magnificent, embracing all quarters but the east. By it is a walled court or drill-ground and narrow stone stairways leading to an arch in the base of the wall. The wall is massively built and lined with picturesque bastions of odd shapes. Like that at the other cities, it was whole and kept in good condition, and with the great thickness of earth banked behind it would offer good resistance against even modern artillery.

Along the main street were a few shops, some apparently filled with Chinese goods, but all small and poor. Outside the south gate was a cluster of houses as large as that within the walls. Along here the farmers assembled with grain, fruit, and other products for sale to the citizens. About Suwon coarse flax cloth is made in considerable quantity. This and large bags of persimmons were being carried toward Seoul on many pack-horses and oxen. The number of houses in the city was stated to be about 1,900, with 1,700 under the Government outside, making 3,700 for the district, or a population of about 22,000. Suwon was said to have been formed as a royal city, to be the residence of a king who abdicated in favor of his son. The king came here to live, but died soon after, though the young king was for a long time kept in ignorance of his death.

The governor of the city was eighty-five years old, yet hearty and strong. While he was courteous and kind in his manner to me, he seemed greatly feared by the host of retainers about him. The discipline of the place seemed very rigid and minute, and all day long the air of the yongmun was one of excitement and function, evinced in beating of drums, rushing about in all directions of gaily-uniformed underlings, runners and policemen, and shrill, long-drawn cries of people transmitting orders or announcing the approach of visiting officials. In one of the buildings of the yongmun was residing a Chinese official with a small retinue of servants. The replies of Koreans to my questions in regard to the presence of this officer were evasive, though I learned that in spite of the high rank of the Korean governor, he was bound to call daily upon the Chinese officer; while the strictest orders were given and executed well, too, that the

people were not to invade my quarters out of curiosity, some of the Chinese did so insolently, a few soft words being the only remonstrance from the governor's policemen, to which little or no attention was paid.

This incident only tends to confirm the impression I had formed in Seoul of the cowering disposition of the Korean Government to the attitude of China toward Corea, the only solution of which may be found in a written agreement between the two countries, made two years ago, after the entrance of a Chinese commissioner and three thousand Chinese soldiers. This agreement seems to be wholly unknown to the western powers.

I left Suwon by its northeast gate. After going some 4 miles over a hilly, poor country, we entered a valley running north to the Seoul River. In its upper part the products were broom-corn, beans, oil-plants, millet, tobacco, and rice in small patches, considerable land being left uncultivated. This valley we followed, passing several small *changs*, until the high walls of Kwangju were close by, to the northeastward the mountains on which the city is situated, forming the east wall of the valley, which from here on to the river was planted in rather poor-looking rice fields. The ascent to the city wall was steep and laborious up a narrow, rocky ravine, at the head of which we came to its south gate. To the south and eastward from the walls the country is wild, very mountainous, and said to be almost uninhabited.

Kwangju is only a great fortress, a hollow walled recess in the top of a bold mountain, 1,200 feet high, containing a palace retreat for the king, barracks, store-houses, and other necessities for resisting a siege, and maintaining it in such a condition. The wall, inclined at a small angle and built solidly of massive stones, is 40 feet high and shaped like a rough triangle lying on the mountain crest, which is broken at one place to admit a stream in a deep rocky gorge, heavily walled across, at the meeting of its south and east sides. On the west at one place, 150 feet below the wall top, a ridge runs out into the plain by which we had come; on top of this is the one road leading to the city from Seoul, meeting the rocky path by which we had entered at the south gate, which is in reality in the south end of the west wall. Three similar ridges project from the south wall-face at the same distance from the wall-top; on these are built heavy redoubt bastions, entered by massive ports under the main wall. The steep sides of the mountain alone form, with the cup-shaped hollow in its top, a powerful natural fortress, and with its great wall and a handful of defenders in addition to these, Kwangju is impregnable against almost any enemy.

The interior of the wall is a beautiful wooded valley, winding southeastwards, with rounded slopes densely covered with evergreen, pines, and maple undergrowth, meeting the wall only 5 feet from its top in a broad, grassy path of even width.

At the bottom of the valley, 400 feet below the wall top, is the so-called city, a peaceful, most picturesque hamlet of low thatched huts assembled in front of the palace and yongmun buildings, which are half buried in pine forest under the west wall.

At the time of my visit the governor was absent and a deputy officer called pijang had been sent from Seoul to receive me. This officer, dressed in flowing silk robes of blue, yellow, and crimson; with a retinue of uniformed soldier priests, and a native band of boy musicians formed my escort in my inspection of the fortress. Ascending the hill back of the palace slowly over a narrow path in the pine forest to the weird music of the boy band, we came to a graceful pavilion raised above the wall, the stand of the military commandant. From here a most wonderful panoramic view of the whole river-drained area as far as Kangwha was presented. From this elevation (1,350 feet) the dark outline of the capital seemed to lie directly under Sangak Mountain, and the river but a winding silver thread, on which the distant junks seemed but dots. To the west and south was an endless area of hilly country, in which the valleys appeared as innumerable dark lines. To the eastward and southeastward craggy frowning mountains rose one above the other from close at hand to as far as the eye could reach.

Owing to their compactness, size, and close sites under mountains and hills, habitations were not visible at all, except in the flat plain close below. Here I counted in one small area partly broken by spur hills seventeen villages.

It is not possible to approximate with any degree of accuracy to the population of Korea in any other way than by extra census taking, as only the smallest fraction of the whole number of habitations could be seen in even extensive traveling in direct routes in so excessively mountainous a country. From this stand we continued on, skirting the wall, making a circuit of the fortress. In the middle of the south wall-face we came to a second stand for the commandant, facing the precipitous mountains across the ravine at the foot of the wall.

Thence we descended to the stream exit at the southeast corner of the wall; here the stream passed through a subterranean arch in a wild cataract, close by a massive granite arched gate in the wall. Returning along the stream bed we passed a reservoir for holding water to be used in time of siege, then large storehouses for food, and a field of jars filled with bean sauce for the garrison. Beyond these came the main part of the

village, with small fields below it, on which enough can be produced to supply the fortress inmates in case of siege.

The population of Kwangju is not more than 7,000. There are no products worth mentioning, and no evidences of trade, the inhabitants being simple peasants. In the hills are nine Buddhist temples, with arsenals attached. In these live 120 soldier-priests. To the east of the city, on a second mountain crest, is a small walled retreat, guarded likewise by Buddhist priests. The area covered by dwellings in Kwangju does not exceed 50 acres; length of wall, about 3 miles.

The people seemed singularly docile, kind to each other, and markedly less rough in general conduct than in any other cities I have seen. As I was the first Western foreigner to come among them they evinced much curiosity, but also seemed desirous to do all in their power to make my visit pleasant. Upon descending from the hill on one occasion to return to the yongmun, a large party of the common towns-people decorated my chair profusely with brilliant red maple branches, with which the hills were magnificently colored.

Kwangju has been in the past the favorite retreat for the king. His most notable occupancy was during the last Chinese invasion of Corea, when it was vainly besieged by a Chinese army, while defended by its villagers and 120 soldiers. The queen and princes having been captured at Kangwha, and the people at large at the mercy of the Chinese, the king voluntarily left the fortress and sued for peace. The governor of Kwangju and most of his subordinate officers, as at Songto, Kangwha, and Suwon, live customarily in the capital, Seoul, this being a privilege granted to all officers above the fixed grade within the limits of the capital province; but they must be at their posts to transact business periodically.

While at Kwangju I decided to avoid the direct route to Seoul, 11 miles distant, in order to examine the Seoul River from as far east of the city as time admitted by descending to opposite the city (the highest point heretofore visited by any foreigner) in a native boat. Upon communicating this intention to the Pijang (deputy) at Kwangju he took measures to turn the trip into a picnic. We left Kwangju in a gay procession, headed by the native band of chubby boys, through the south gate.

Descending into the valley west of the city, we moved northwards along its east border to Songpha, a village of historic interest on the south bank of the Seoul River, 7 miles from Kwangju and 11 from Seoul. It was just behind this village that the Chinese army which besieged Kwangju had its camp, the remains of which are yet visible in broken down walls and heaps of earth in the fields. On the edge of the village is a tall building of graceful shape and indicated to be official by its decorations in red, containing a great marble tablet fully 12 feet high and a foot thick, mounted upon the back of a gigantic granite turtle. The front of the stone is closely filled entirely with an inscription deeply cut in what I took to be Manchu Tartar script characters; these closely resemble Sanscrit or Pâli characters, but they are written in vertical lines, beginning on the left. Over the body of the inscription is a title line written horizontally from left to right. On the back of the stone is another inscription only partly covering it, in Chinese square characters. Outside of this building, inclosed by a rough railing, is a second great granite turtle, but without a tablet mounted on it. About the place irregularly scattered on the ground, were many dressed stones, and a number of the stone-posts, columns, sheep, and drums seen about Corean graves.

An officer stationed at Songpha, a Pyelchang, accompanied me in my inspection of these relics. He stated that after the Chinese had begun the invasion of Corea, in 1637, two large marble tablets covered with inscriptions were brought to Corea from China by sea; that the erection of these was violently resisted by Coreans, and one was destroyed; the other was brought to Songpha, and there set up as I saw it, and has been since under the protection of the Corean Government. Neither the Pyelchang nor other persons present could (or would) explain the inscriptions, and I was told without special permission from the governor of Kwangju copies of them could not be made. Historically, this monument presents much interest, and a thorough examination may develop information on the status of Corea with regard to China of more directly practical use. This I shall endeavor to make.

By the bank at Songpha I found awaiting me two large flat-boats, on one of which an awning had been erected, the band and refreshments provided. The trip down the river was most enjoyable. We slowly drifted a winding course, generally in mid-stream, but again close to the banks, under green precipitous hills, topped in places by pavilion-like buildings frequented by pleasure parties of officials to enjoy the river scenery, which is softly very attractive. At Songpha the stream is a third of a mile wide, with clean banks and a current of about two knots, and flows southwesterly. A mile below it is broken into two parts, the main stream curving about northwardly in a horseshoe shape around a low island. Where the two parts meet is a steep bluff, from which the course is north a mile, then westerly and southwesterly. Both channels at the break are navi-

gable for light draughts, and in them the current is swift. This point seems to be the highest reached by the tides.

A mile from here a swift stream, called Shim chon River (Shim-chon-Kang), enters the right bank, coming from the northeastward apparently. It was narrow and shallow; but I observed many masted boats of five or six tons on it, some being towed up by men who walked on the banks. Near here, on the right bank, was a large village, Tuk-sum, the great wood mart of the Seoul vicinity. Here I counted more than a hundred boats of various sizes up to about thirty tons; and the bank for nearly a mile was piled up with building timber, split wood and branches for fuel. I saw no timber of large size, however. Just below Tuk-sum a small stream enters that, I presumed, drains the city of Seoul, from which it flows through two arched ways near the east great gate of the city. This is a shallow, rocky creek, filthy with the sewerage of the city. Where it entered the river were several long bars built up by it of city refuse. From here westward extended a continuous line of villages, situated in breaks of the steep, high bank. These in order, descending, were called Tu-Mukal, Töng-Mushima, Hängäng, Pokängi, and Sobingö. Hängäng was a very large place, probably the largest town on the whole river to its mouth. This place gives the name Hängäng, or River Han, to the section of the river near Seoul which foreigners have supposed to have applied to the whole river, which has no general name for native use. Sobingö was also a large town. At the latter place the river turns abruptly southward to round a great sand bank directly south of Seoul.

At the bottom of this southerly course are several bad bars, the worst obstruction to navigation I have seen in the Seoul River. Near them is a great ferry called Tong-jeki, by which the river is crossed on the direct road south to Suwon and Kwangju. From observations made during this trip, and a special one to the sea from Seoul, I am assured that the Seoul River is navigable to Seoul port towns at low water for draughts of 6 feet, and for a distance of 10 miles above the city for at least 4 feet draughts, the latter determined by the two short obstructions mentioned above, viz., one near Tong-jeki and the other a mile below Songpha. The total number of boats for goods transport plying on the river from Tuk-sum to the sea, a distance of about 45 miles, I estimate by counts at nearly four hundred.

Below Tongjeki a short distance the river begins its northwest course to the sea opposite Notul village; here the river is turned by a wide sandy stretch made an island by a small branch of the river on its south side. This stretch is crossed by one of the commonest roads to Seoul from Chemulpo, that entering Mapo the proposed river port of the capital. The alternate positions of these bars on the two sides of the river give rise to countercurrents of considerable velocity which conveniently admit of swift passage to vessels at both flood and ebb tides in either direction. I append a sketch of the part of the river I inspected above Seoul, which seems a very important part of it and not shown on any maps or charts heretofore published.

At Tongjeki I landed, and, proceeding due north about 3 miles over the shortest, most direct road from the river to the capital, entered it by its south great gate at 6 p. m. on October 8, having been absent sixteen days.

The total distance covered by my route was about 200 miles. This journey has never before been made by any foreigner, and no inspection of places embraced by it made by such, except Songto and the vicinity of Chemulpo; Songto had been visited by but two other foreigners.

In closing this report I would submit the following summary of my observations during the journey.

The people, as most commonly observed, are of two great classes, the officials and the farming peasantry. Classes of gentry, artisans, and professional men seem almost absent outside of Seoul. The official class, made up of officers and their direct attendants, is very large, its members haughty and powerful in the extreme, and the common people correspondingly humble, ignorant, and slavish.

Manufacturing industry is of the lowest possible order, confined to building and making roughly only the actual necessities of existence.

The industry of the people is in farming such products only as are produced in greatest abundance with the least labor. There is no perceptible demand for labor, and the habit of the people is to be far more idle than those of China and Japan. Food stuffs of the kinds labored for are produced abundantly enough to feed the people gluttonously. All classes are wholly dressed though dirty; beggars and ragged people are most rare.

The population is greater than that assigned heretofore by western people, and may prove to be nearly double present published estimates. There are evidences to corroborate the statements of many prominent Koreans that it is increasing comparatively rapidly. The system of trading by fair places or changs; existence of fortified retreats, as the Pukhan described above; primitive means of travel and transportation; character of manufactured articles; absence of all but the coarsest forms of social etiquette; these, and

other characteristics of the people and country, together with the very mountainous nature of the Kingdom, are strong evidences that Corea as a nation is but a step removed from being one made up of distinct mountain tribes. This implies a weak central government or divided authority in the general government of the nation. A corroboration of this view of the Government was the insurrection of 1882 in Seoul, and is the difficulty foreigners, and especially merchants, find in discovering where the source of authority is in dealing with the Government at present.

Very respectfully, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Naval Attaché.

ITINERARY.

Governments.	Places.	Distances in Corean li.	Governments.	Places.	Distances in Corean li.
Seoul.....	Seoul		Kimpo	Kimpo.....	40
	Pukhan (fortress).....	35	Pupyon	Pupyon	20
Koyang	Koyang	20	Inchun	Sokpawichang.....	20
	Koyang direct from Seoul..	40		Chemulpo.....	10
	Pyokchi (Pass).....	4		Inchun	
Phajū.....	Chaupotul.....	6		Chongjakol }	20
	Miryok-nim(stone images)	5	Kwachon	Painna-chang	10
	Nolpun-yaul			Anyong-jang.....	25
	Phaju	25	Suwon	Pun-pu-na-chang.....	10
	Panal	7		Sakuna	10
	Imjin (Changdan River)...	3		Suwon	20
Changdan	Tongpha	7		Tokpawi	
	Oi-jang-pho			Pūngtok-na-chang.....	20
	Changdan.....	10	Tong-in	Puan	15
	Changdan Omūki.....	4	Kwangjū	Oyasi.....	15
	Moronachang.....	6		Tondé chūmak.....	6
	Nūlmūni.....	10		Kwangjū	6
Songto	Songto	20	Seoul.....	Songpha (Seoul River).....	20
Pungt'hak.....	Hautari	15		Shimchow River.....	10
	Oksau			Tuksum.....	(*)
	Pungt'hak	15		Tūmukal	(*)
	Yong-jong-po..	20		Tongmushima.....	(*)
	Wolkot (Kangwha).....	8		Hangang.....	(*)
	Kangwha City.....	5		Pokangi.....	(*)
	Kapkot (Kangwha)	6		Sobingo	(*)
Tongjin.....	Mun-su-san-sung (fortress)	4		Tonjeki	12
	Tongjin	10		Seoul.....	10

* Contiguous towns.

SUMMARY.

Seoul to Pukhan.....	35	Kangwha to Tongjin	20	Kwangju to Songphau.....	20
Koyang.....	20	Kimpo	40	Tongjeki.....	20
Phajū.....	40	Pupyon	20	Seoul.....	10
Changdan.....	40	Chemulpo	30		
Songto.....	40	Inchun	20		50
		Suwon	75	Total length of route, 565 li,	
	175			or 198 miles.	
Songto to Kangwha	65		205		
		Suwon to Kwangjū.....	70		

THE GINSENG OF COREA.

The ginseng of Corea is held by the Chinese to be the best in the world. They have used the root for many hundreds of years as a strengthening medicine, place the most extraordinary value upon it, and seek for it in all parts of the world they visit; viewing its efficacy from their standpoint, they may therefore be well able to make this comparative estimation. Ginseng is found in China, but that there produced is considered inferior to the common marketable article in Corea. The sale of it is and has been a monopoly of the Corean Government, but as might be supposed in the case of a medicine so

highly necessary as it is to the Chinese, immense amounts of it have been smuggled out of Corea in all kinds of ingenious ways across the northwestern border and by junks from the west coast.

The Korean name for the root is "Sam," used with the prefixes "In" (man) and "San" (mountain) respectively, to distinguish the variety cultivated by man from that found growing wild in dark mountain recesses. San-sam is extremely rare; many natives have never seen it, and it is said to be worth fully its weight in gold. This kind of ginseng is sold by the single root, the price of which is said to have reached in the past nearly \$2,000 for an extraordinarily fine large specimen. The san-sam root is much larger than any cultivated variety, its length ranging from a foot to three and four, with a thickness at the head of from $1\frac{1}{2}$ to $2\frac{1}{2}$ inches. At the top of the root proper and base of the stem of the plant is a corky section of rings, the number of which shows the age of the root. The seed of san-sam, planted in the mountains under circumstances similar to those under which the mother plant grew, will produce a root somewhat like true san-sam, and in this way imitation san-sam is produced; but an effort to sell it as san-sam is regarded as a swindle, and it is said that experts readily perceive that it has been produced by the aid of man. It is believed that the virtues of san-sam do not lie in the material composition of the plant, but are due to a mysterious power attached to it by being produced wholly apart from man's influence, under the care of a beneficent spirit or god. True san-sam is supposed never even to have been seen by man while it was attaining the state in which it was found. Twenty, thirty, and forty years have been named to measure the ages of certain san-sam plants when found.

The san-sam root is carefully taken from the earth when found, carefully washed and gently scraped, then thoroughly sun-dried. In administering it the whole root is eaten as one dose, it may be in two parts. The person then becomes unconscious (some people here say dies) and remains so three days. After this the whole body is full of ills for about a month, then rejuvenation begins, the skin becomes clear, the body healthy, and the person will henceforward live, free from sickness, suffering from neither heat nor cold until he has attained the age of ninety or an hundred years.

The extreme rarity of san-sam augments the superstitious repute in which it is held; as an intelligent Korean told me, much that is said of it is only words; nevertheless, he maintained that san-sam was a wonderful medicine in its strengthening effects.

Insam, the cultivated ginseng of Corea, is produced in large quantity, and is a common marketable article. While it is most highly appreciated by the Chinese, it is also believed to be the best of medicines by Koreans. It is nearly all produced in two distinct sections of Corea, viz, at Songto (Kai-seng), about 60 miles to the north and westward of the capital, and at Yong-san, in Kyung-sang-do, the southeasternmost province of Corea. The qualities produced in these two sections are regarded as differing, and the ginseng is known as Song-sam, or Yong-sam, according as to whether it comes from Songto or Yong-san, in Kyung-san-do, respectively. The former place I visited recently, and in the company of a government official inspected several of the principal farms.

The area of the section at Songto in which ginseng is cultivated is small, not more than 8 miles in diameter, and the great majority of the farms are in plain sight from the city, lying about its walls and in the city itself, upon the sites of houses of the time when Songto was the capital of Corea. They appear from the distance as numbers of singular brown patches lying on the grassy slopes rising from the rice paddies. In general the farms are low, but a few feet above the level of the paddies, but several farms I observed were well up on the hillsides.

Each farm is a rectangular compound, one part containing the buildings inclosed by walls, the rest by hedges. The buildings, though built as usual of mud, stones, earthenware, and untrimmed timbers, and thatched, are strikingly superior to the other houses of the Korean people; they are built in right lines, interiors neatly arranged, and walks and hedges in good order. In each compound are one or more tall little watch towers, in which a regular lookout is held over the farm to prevent raids of thieves, who might make off with paying amounts in handfuls of ginseng.

Nearest the entrance to the compound, which is a gate in the buildings court, are guest rooms, where sales are discussed and inspections of the ginseng produced held by officers, and a dry storeroom. Beyond these are two other buildings, in which the curing of the fresh root is carried on; from here on to the end of the compound are parallel rows of low, dark mat sheds, with roofs sloping downwards towards the south or southwest. These rows are from 75 to 200 feet long and 4 feet apart, and the mat sheds about 4 feet high at their front (north) sides, which are closed by mats which swing from the top, thus giving access to the farmer in his care of the plants. Within the sheds are beds about 8 inches high for the growing ginseng plants, which are in rows extending across the beds, about 2 feet long.

The row (or shed) nearest the houses is the seed-bed for all the plants grown on the farm. The soil appeared to be of medium strength as indicated by color, was soft and

contained fine granite sand in small proportion (dead leaves broken up finely are used as manure.) In the Corean 9th month (September-October) the seeds are stuck quite thickly in the seed-bed to a depth of 3 inches in little watering trenches about 3 inches apart. Once in each three days' interval during its whole life the plant is watered, and the bed carefully inspected to prevent crowding, decay, and the ravages of worms and insects. The mat-shed is kept closely shut, for ginseng will only grow in the dark or a very weak light.

The mats of the sheds are made of round brown reeds and vines closely stitched together, admitting only the faintest light.

In the second month of the second year after planting (February), the root is regarded as formed and the general shape of the plant above ground attained. The root is then tender and white, tapering off evenly from a diameter of three-sixteenths of an inch at the top to a fine long point in a length of $3\frac{1}{2}$ inches; from it hang a number of fine, hair-like tendrils. From the ground stands a single straight reddish stem about 2 inches, and then spreads out into tiny branches and leaves nearly at right angles to the stem. The shape is nearly that of the matured plant.

In the following February (of the third year), the seed plants are transplanted to the adjoining beds, five or six to each cross row, the watering trenches being here between the plant rows. In this second bed the plants remain one year, and are then transplanted to the third bed and planted still farther apart in their respective rows. A year later they are again transplanted, this time to their final beds, where they remain two and a half or three years. Generally speaking, seven years are required from the time of planting until the plant is matured. After its life in the seed-bed, exacting care in keeping out the light is not so necessary, and I noticed the swinging mat was removed entirely from the fronts of sheds of plants in the final beds.

In the autumn of the seventh year the seeds ripen and are gathered; these appear on a short stem standing upward from the main stem in continuation of it, where the branches turn off horizontally. The seed stem is broken off an inch above the branches, the seeds sun-dried a little and stored away. Immediately after this the harvest of the roots begins. The seeds are white, rather flat, and round, slightly corrugated, having a diameter of about one-sixteenth of an inch, and a thickness of one-eighth to three-sixteenth inches.

The ripe root has a stem about 14 inches long, standing nicely perpendicular to the ground. At this distance spread out at a closely common point the branches, usually five, on which, at a distance of about 4 inches from the main-stem top, is a group of five leaves, three large ones radiating at small angles and two small ones at right angles to the branch at their common base. The larger leaves are oval, edges shallowly but sharply notched; length and breadth, 4 and 2 inches respectively; color, nearly a chestnut green. The stem is stiff and woody, ribbed longitudinally. The root is nearly a foot long, and is made up of four different sections ordinarily; the first or upper one, a small irregular knot, forming a head to the main root below. From it extends down over the main root a number of slender rootlets terminating in stringy points. The second section is the *body* of the root, which is short, soon separating into a number of bulbous parts, four of which are prominently large. These four parts are commonly called the *legs* and *arms*. The bulbous parts round suddenly and then taper off into small slender sections, from which extends a great number of hair-like feeders. The thickness of the main part of the root or *body* rarely reaches one inch.

Soon after the seeds have been gathered in October the plants and roots intact are carefully taken from the earth. The stems are readily broken off, the roots washed, placed in small baskets with large meshes, and at once taken to the steaming-house. Here are flat, shallow iron boilers over fire-places, over which are earthenware vessels 2 feet in diameter and as many high with close-fitting lids. In the bottoms of the earthenware vessels are five holes 2 inches in diameter. Water is boiled in the iron vessels, the steam rising and filling the upper vessels through these holes.

The small baskets containing the roots having been placed in the earthen vessel and the latter tightly closed, the steaming process goes on for from one and a half to four hours, when the roots are removed and taken to the drying-house. This is a long building containing racks of bamboo poles, on which in rows are placed flat drying-baskets. Under the floor of the house, at intervals of 3 or 4 feet, are fire-places, the smoke from which passes out of small holes in the back of the house under the floor level. In the baskets of the drying-house the roots are spread and the fires kept going constantly for about ten days, when the roots are supposed to be cured. From here they are packed for the market in rectangular willow baskets closely lined with paper to exclude moisture.

During this process the roots become very toughly hard, and their color changes from caroty white to nearly a cherrywood red. They break hard but crisply, exhibiting a shiny, glassy fracture, translucent, dark red. The ginseng resulting from this process is

called hong-sam (red ginseng), and is the article prohibited from export from Corea in all the treaties made by Corea with the Western Powers. It is the most common ginseng seen in Corea, and by far the majority of it is produced in the Songto section.

"Pak-sam" is insam simply washed, scraped, and sun-dried after being taken from the earth. This kind is much used domestically, but not having been cured will not bear exportation. It is regarded by many as better medicine than *hong-sam*, and is occasionally, depending upon form and quality, higher in price consequently.

The ways of using insam are many. Most commonly, cut or broken into small pieces, it is mixed with other medicines to form pills, tablets, decoctions to be drunk, &c. Sometimes the plain root is eaten dry. This is very common.

Old people make a warm decoction by boiling the simple root cut in pieces. It would seem to be regarded as a strengthening medicine for every part of the system. The shape of the root is commonly likened to that of a man, a consequence of its four distinct shape sections. By some people each of these different parts of the man is believed to be adapted to a particular complaint; thus the head to eye affections, the body to general debility, the arms and legs to stomach disorders, colds, and female disorders. This man shape of the root figures largely in the purchase of certain kinds of ginseng, especially with that of sansam.

A rival of Corea in supplying ginseng for the Chinese market is Primorskaya, province of Siberia, in the vicinity of Vladivostok. About here great numbers of Chinese congregate in search of it. Near one place, to the northeastward of Vladivostok, Souchan, and on the Danbihe River it is cultivated quite largely by them. The various nomadic tribes in Eastern Siberia seek for sansam in the mountains, and in its sale, together with that of sable-skins, find their living.

The method of cultivation given above is that explained to me at one of the ginseng farms at Songto; I have been told, however, that there are other slightly different methods followed in different places and by different farmers. Some roots are fit for market in five and a half or six years after planting, but to produce the best article, seven years' growth is necessary. The market price of red ginseng (*hong-sam*) is at present nearly \$4 per English pound.

GEORGE C. FOULK,
Ensign, United States Navy, Naval Attaché.

No. 230.

Mr. Foote to Mr. Frelinghuysen.

No. 127.] LEGATION OF THE UNITED STATES,
Seoul, Corea, December 5, 1884. (Received January 26, 1885.)

SIR: We are at this moment in the midst of a political revolution. It was inaugurated last evening by the attempted assassination of Min Yong Ik, lately one of the envoys to the United States. It occurred at a dinner party, which was being given by Hong Yeng Shik, vice-minister of the embassy to the United States. There were present Pak Yong Hio, brother-in-law to the King; Kim Hong Chip, president of the Korean foreign office; Kim Ok Kinn, vice-president; Von Mollendorff, superintendent of customs; myself, my secretary and interpreter; W. G. Aston, esq., Her Britannic Majesty's consul-general; Chen Sher Tang, Chinese commissioner; the Japanese secretary of legation, and several other minor officials. As the dinner drew to a close an alarm of fire was given, and nearly all of the guests withdrew from the table and went out of the doors or to the windows to view the fire, which seemed near at hand. Perceiving no immediate danger, I returned, with the president of the Korean foreign office and several others, to the table. A moment thereafter Min Yong Ik entered the room, his face and clothing covered with blood, which was streaming from seven or eight ghastly wounds. The utmost consternation ensued; the Korean officials, divesting themselves of their official robes as they ran, rushed to the court-

yard, which was already half filled with soldiers and servants. At this moment a shot was fired, and the entire crowd precipitated themselves over the rear walls and disappeared. Upon the entrance of Min Yong Ik I had gone forward, and, aided by Von Mollendorff, had placed him in an easy position. I asked that Dr. Allen, an American physician, be sent for, which was done, and, leaving the wounded man in charge of Mr. Von Mollendorff, I returned with Mr. Scudder and my interpreter to the legation.

At this moment it is difficult to determine whether this attempted assassination is the result of some personal feud or whether it has a political signification.

All sorts of rumors are afloat. The latest is that the deed was done by a party of students from one of the southern provinces, who were enraged at some reforms which Min Yong Ik had instituted since his return from the United States. I shall be enabled to give you more definite information within a few days.

I have, &c.,

LUCIUS H. FOOTE.

No. 231.

Mr. Foote to Mr. Frelinghuysen.

No. 128.]

LEGATION OF THE UNITED STATES,

Seoul, Corea, December 17, 1884. (Received January 26, 1885.)

We are in the midst of great excitement and, I may say, danger. It seems that the entire movement is an attempted revolution, concocted by a few ill-advised young men, under the leadership of Kim Ok Kinn, vice-president of the Corean foreign office; Hong Heng Shik, postmaster-general, and Pak Yong Hio, brother-in-law of the King.

Ostensibly dissatisfied with the non-progressive spirit manifested by the leading officials, they determined to seize the Government, obtain control of the person of the King, and to administer public affairs for their own purposes. The first move in their plot was the attempted assassination of Min Yong Ik, and during the excitement occasioned thereby, they rushed to the palace, informed the King that he was in great danger, and persuaded him to remove to a smaller palace. The King, fearing perhaps that some great public commotion was taking place, sent messengers to the Japanese legation asking the minister to come to the palace with his guard of soldiers. After three messages of this kind, the minister consented, and went to the palace, the Japanese soldiers, two hundred in number, being stationed at the gates. In the mean time five of the leading officials of the Government were called to the palace, ostensibly by direction of the King, and while there were put to death. These things occurred on the night of the 4th and the morning of the 5th instant.

About 12 o'clock on the night of the 4th messengers came to me from the King, asking me to come to the palace with my wife and suite, saying that he feared somewhat for our safety, and felt that we would be more secure with him.

The same messengers with the same messages were sent to Mr. Aston, Her Britannic Majesty's consul-general, and to Captain Zembsch, His Imperial German Majesty's commissioner, shortly after. Mr. Aston, his wife and assistant, came to the United States legation with the in-

tention of going to the palace. I told him that upon consideration I had determined not to leave the legation; that I would wait upon His Majesty in the morning to learn his wishes, but that in the uncertainty of affairs I should rely upon the inviolability of the legation, making such preparations for defense as I could. On the morning of the 5th, with Her Britannic Majesty's consul-general, Mr. Aston, and His Imperial German Majesty's commissioner, Captain Zembsch, I went to the small palace occupied by the King. We found crowds of excited people in the streets. Corean soldiers were massed around the entrance, outside; within, Japanese soldiers were guarding the gateways. In the palace I saw the leading revolutionists, who had been installed in the positions made vacant by the death of the high officials. I also met the Japanese minister and his secretary of legation. The King had little to say, and seemed to be in a state of great excitement. After some unimportant conversation we retired.

Immediately after this I called a conference of the representatives, endeavoring to secure the attendance of the Japanese minister, but could not reach him. We jointly counseled the Chinese commissioner to do nothing to disturb the peace or to excite the populace, and under all circumstances to avoid a conflict between Japanese and Chinese troops. He seemed to sanction this line of policy.

During the day, by my advice, the two Americans residing with their families in Seoul came to the legation. That night the King, accompanied by the Japanese guard, returned to the palace proper.

From sundown until morning crowds of excited people were surging through the streets, but no actual outbreak occurred. Her Britannic Majesty's consul-general, Mr. Aston, his wife, one attaché, and servants, came to the legation on the night of the 4th, and remained, by my invitation, for several days.

As before stated, I had arranged, with the assistance of Ensign Bernadon, U. S. N., as complete a system of defense as possible. By the kindness of the Japanese minister, four Japanese soldiers had been sent to the legation. I had also asked for, and obtained, a Corean guard, upon whom I placed but little reliance. Early on the morning of the 6th the populace commenced to commit outrages upon the Japanese subjects residing in different parts of the city. The cry was "Death to the Japanese!" During the day numbers were killed and their property destroyed. Several came to the legation for refuge, and I gave directions that all who came should be admitted. Between 3 and 4 o'clock p. m. we heard firing in the direction of the palace, and shortly thereafter the Japanese guard, one hundred and eighty in number, evacuated the palace grounds and marched to their legation. Along their line of march they were attacked by the people with stones and occasional shots. After they reached their legation great numbers of angry people gathered in the vicinity, making threats, and occasional shots were fired. Between 4 and 5 o'clock p. m. on the 7th the Japanese soldiers and civilians left their legation grounds and marched out of the city, on their way to Chemulpo. Two cannon shots were fired at them as they passed, and an occasional volley of musketry, which they returned.

The wildest excitement now prevailed. As night came on we noticed that the Japanese legation buildings were in flames. These buildings were the finest in Corea, and had just been completed, partly in the European style.

At this time there were congregated in this legation, of American citizens, myself and wife, C. L. Scudder, private secretary; Ensign J. B.

Bernadon, U. S. N.; Dr. and Mrs. Allen and child, Mr. W. D. Townsend; of British subjects, W. G. Aston, esq., Her Britannic Majesty's consul-general; Mrs. Aston, Mr. E. S. B. Allen, consul's assistant; Mr. Hallifax, wife and child. Of Japanese subjects there were twenty-two men, women, and children. Fifteen Chinese and Korean servants, and a guard of twenty Korean soldiers, upon whom I placed no reliance, and only retained in the legation fearing that they might inform the populace that we were protecting Japanese.

The night was one of great anxiety, but the day dawned, and from that moment the excitement seemed to decrease. During the 6th and 7th a number of public and private buildings were burned. On the morning of the 8th I was asked to have an audience with His Majesty, who had temporarily taken up his residence at the Chinese camp. In company with the other representatives, I waited upon His Majesty. At this audience we were asked if we could consistently go to Chemulpo and have an interview with the Japanese minister, conveying to him the earnest desire of His Majesty to maintain friendly relations with Japan. After consultation we decided to accede to His Majesty's wishes.

After the audience I took occasion to say that I had at the United States legation, and under my protection, a number of Japanese men, women, and children, and that I had determined to send them to Chemulpo under the escort of Ensign J. B. Bernadon, U. S. N., and to ask that a joint Korean and Chinese guard be furnished for their protection. This request was seconded by the other representatives, and was acceded to by both the Korean and Chinese authorities. On the morning of the 9th Ensign Bernadon left the legation with the Japanese refugees, escorted by Korean and Chinese soldiers, and arriving safely at Chemulpo on the morning of the 10th delivered them, as directed by me, to his excellency the Japanese minister. During the night of the 10th messengers came from the King and Queen, saying that they had heard it was the intention of the foreign ladies to retire with their husbands to Chemulpo, and urging that Mrs. Foote should remain, promising her all the protection in their power, saying that her stay would do much to quiet the excitement of the people. We replied that we were the first to come and would be the last to leave. On the morning of the 10th, with His Imperial German Majesty's commissioner, Captain Zembsch, and Her Britannic Majesty's consul-general, Mr. Aston, accompanied by his wife, I went to Chemulpo, leaving Mrs. Foote at the legation. Arriving at Chemulpo we sought for and obtained an interview with his excellency the Japanese minister. We informed him of the sentiment of His Majesty, and afterwards engaged in an informal discussion concerning the temper of the Korean Government, as evinced by certain dispatches which had been written to the minister by the president of the Korean foreign office. We were assured by the minister that the messages of the King should be transmitted to his Government. On the following day we had other interviews, discussing certain questions of fact which had been asserted by Korean officials and denied by the Japanese minister.

On the morning of the 12th I returned alone to Seoul, His Imperial German Majesty's commissioner and Her Britannic Majesty's consul-general deciding to remain at Chemulpo.

On the 14th I had an audience with His Majesty and reported to him the result of our interview with Mr. Takezoye. His Majesty asked me if I would accompany an envoy whom he was about to send to Japan, invoking thereby the good offices of the United States to bring about

an amicable settlement between that country and Corea. I replied to him that I should prefer, first, to consult with my Government, but that the means of communication were difficult and the emergency imminent. I would consider the matter and decide at the earliest possible moment.

Recurring to the events of the 6th instant, I would say that the conflict with the Japanese troops was brought about by an attempt of the Chinese troops to force their way into the palace grounds, ostensibly to protect the King. In this attack the Korean troops joined forces with the Chinese. During the engagement the King determined to seek a place of greater safety. "Learning this fact," as Mr. Takezoye, the Japanese minister says in a note to me, "I took my leave of His Majesty and withdrew with the Japanese guard."

I have, &c.,

LUCIUS H. FOOTE.

[Inclosure in No. 128.]

Report of information relative to the revolutionary attempt in Seoul, Corea, by Ensign George C. Foulk, December 4-7, 1884.

The Government of Corea has been for an indefinite period under the practical control of the Min family, of which the Queen of Corea * is at present the highest representative. The blood of this family is largely Chinese, and it has been always, and remains, the desire and aim of this family to subject, and retain in subjection, their country to the suzerainty of China. Members of this family are accorded special privileges by China, and are, to the exclusion of other Korean noble families, on comparatively social terms with the court of China, which they visit frequently. The family is very large, and includes the highest number of great nobles, with the greatest landed estates, of all the families of the nobility in Corea. Potitital differences of the several degrees of strength have long existed between this family and that of the King and a large body of the other nobles.

The Queen is a woman of strong will and considerable ability. * * * The great body of the Korean people at large know little or nothing of the politics of their Government, nor do they dare to use any information they may by chance possess on government affairs. They only know their King, for whom, so far as my own experience and observation goes, they hold unbounded reverence and affection. It is, however, ground deeply into the whole Korean nation, so far as the people are concerned, that their's is the "little house" of China. Chinese coming among them are detested for their appearance, conduct, and customs; yet nothing a Chinaman might do in the

* The nobles of the male line of the King's family are few, and none hold high offices in the active government.

The mother of the King was a Min, and through her and the powerful influence of her family his Queen was taken from the Mins. The marriage of blood relatives of close connection has from ancient times been a capital offense in Corea, and this marriage of the King, a Min on his mother's side, to a Min again, gave general dissatisfaction throughout all Corea; but against the powerful influence by which it was brought about there could be no resistance. It is commonly reported that the King long refused association with the Queen, who practiced various superstitious rites to attract him, and was aided in this by members of her family, who are notoriously regarded as the greatest patrons of geomancers, fortune tellers, &c, in Corea. When the present prince royal was about to be born the Queen sacrificed to the various gods to such an extent, most notably for forty-nine days at Kum-gang-son, that the expense attending it, which fell directly on the people, gave rise to national complaint. Again the nation showed its dissatisfaction when the present prince royal was betrothed to a Min, the sister of Min Yong Ik.

The prince royal, as might be expected, is delicate in health, and afflicted with sore eyes; this gives constant employment to the soothsayers, fortune tellers, who are called upon to foretell his future condition, length of life, and drive out the demons of sickness.

In a memorial to the throne in 1883, Min Thai Ho asked that the necrologers and geomancers be called upon to direct the ire of the evil demons against the advances of the Japanese and western foreigners, on whose account the finances of Corea were thrown into disorder.

course of his association with the common people would prompt a blow from any of them, for he is a "Ta-kuk-in," a man of the "great country." Japanese, on the contrary, are even admired by Koreans of the present day for their appearance, customs, and conduct; yet against them lies a deep current of hereditary hatred for their alleged cruelties in their ancient invasions of Korea, and the Koreans are always ready for the license when they may vent this feeling in shedding Japanese blood.

The first Korean nobles to leave their country to visit a progressive one, were So Kwang Pom and Kim Ok Kiun. These two men, nine years ago, left Korea secretly and visited Japan; upon their return to Korea, they went boldly before the King and described what they there had seen. In later years other Korean nobles visited Japan and China; of these, however, until within the past two years, but one, Pak Yong Hyo, joined the two above named in their aim towards adopting western civilization for Korea and advocated openly such a policy.

The family of So is claimed to be truly Korean, and is highly illustrious for the number of just and wise officers it has produced; it has no superior in Korea in regard to this and ancient, creditable ancestry.

The family of Kim is likewise regarded as truly Korean; it is remarkable for its extent and antiquity. Pak Yong Hyo is also of an ancient family, and is the brother-in-law of the King, bearing as such the title of royalty Kum-oi-nung, which by the ancient law, forbade his holding actual office in the government.

Prior to the revolt of the troops in Seoul in 1882, under the Tai-wen Kun, So and Kim, who held nightly discussions of the civilization problem, and were endeavoring to induce Min Yong Ik and several other young nobles to join them, were charged by the fanatical Tai-Wen-Kun with endeavoring to introduce Christianity into Korea, and both came very near losing their heads. The Tai-wen-Kun was the ex-regent and the father of the King; long after his regency had ceased he held the administrative power of the Government, and directed his great energy with fanatical zeal against the efforts of the Jesuit fathers and Christian Koreans to extend Christianity in Korea.

The members of the Korean embassy to the United States have repeatedly told me that the number of Koreans executed after torture by him for professing Christianity or being suspected of it can only be reckoned by tens of thousands; also that his fanatical hatred of the foreign religion was mainly due to the raid upon the grave of one of his ancestors by the German Jew Oppert.

Obedient to the will and direction of China the Mins were pre-eminent among Korean nobles in conducting for Korea the negotiations for a treaty with the United States, in May, 1882, at Inchun, on which occasion Admiral Shufeldt represented the United States Government, having come there in the U. S. S. Swatara.

This energy of the Mins has given them the mistaken reputation of being members of the progress party in Korea; in fact they only acted in obedience to their hereditary lord, China, without a thought patriotic to Korea, beyond that they in common with all Koreans at that time felt the danger of seizure of a part of Korea by Russia. By the King of Korea and the true progress party of three the treaty with the United States was hailed as the forerunner of complete independence from China.

To the call of China for Korea to treat with the United States for their several reasons, all the chief members of the Korean Government were obedient but the Tai-wen-Kun, who though purely patriotic to Korea, only saw in making treaties with western powers the means of introducing broadcast hated Christianity. It is natural therefore that he should be at enmity with the Mins who were negotiating the treaty with Admiral Shufeldt.

Consequently in July, 1882, we find that, taking advantage of disaffection among the soldiers of the capital, occasioned by short rations issued by the Mins, he directs their revolt against that family, and having disposed of its members, seizes the Government himself. Many Mins were killed; Min Thai Ho (father of Min Yong Ik) was left supposed to be fatally wounded in a ditch; poison was to be administered to the Queen, but a maid personating her in disguise, took the poison and died while the Queen escaped. Min Yong Ik shaved his head and after hiding in the mountains three days, walked to Fusan whence he escaped to Japan in the disguise of a Buddhist priest. For his disobedience to its command and his attempt to annihilate its loyal servants, the Mins, the Chinese Government sent its troops to Korea and carried off in banishment the Tai-wen Kun; the power of the Mins for China having been greatly cut off by the revolt. Chinese troops were placed in Seoul to strengthen the remainder, and have remained there ever since.

It has been said the Chinese did not execute the Tai-wen-Kun, because he was the father of the King; this is true if it be explained that such an action as executing the father of the King would have embittered the masses of the common people against the Mins and China, and probably to the extent of open rebellion against China.

At the time of the revolt under the Tai-wen-Kun there were no Chinese in Korea, nor

had there been for more than a hundred years. In Seoul, however, resided a Japanese minister with a small guard of Japanese soldiers.

The news of the revolt of the soldiers under the Tai-wen-Kun went to Japan first, and at once that Government prepared a force to send to the assistance of the Japanese minister in Seoul. The Chinese consul at Nagasaki telegraphed to China that the Japanese were sending a force to seize Corea; this at least was the substance of what was told three Korean nobles, then at Tientsin in China, by the Chinese authorities there. These Korean nobles were, in order of rank, Cho Yong Ha, Kim Yun Sik, and O-Yun Chung.

Cho was a noted Chinese scholar and a strong Confucianist. Min Yong Ik has represented to me that Cho and his companions at Tien-Tsin held powers plenipotentiary; this, however, is emphatically denied by So Kwang Pom and the progressive party, who say that such powers were simply assumed, such deliberate assumption of the King's power being no unusual thing for members of the Min faction. Knowing that Corea was helpless after the revolt of the soldiers to resist an invasion of the Japanese, Cho applied to the deputy viceroy at Tien-Tsin (Li-Hung Chang being then absent, in mourning for his mother) for the use of Chinese troops which he might take to Corea. His first appeal was refused, but on the second, made by him as holding powers plenipotentiary, the use of the soldiers was granted him; Cho and his companions came to Chemulpo with the soldiers on board Chinese vessels of war.

At the time the news of the revolt came to Japan there were two Korean nobles residing in Tokio; these were Kim Ok Kuin and So Kwang Pom, who had gone there with an ambassador and remained behind to study and make purchases. They heard that the Japanese were about to send an expedition to Corea, and the rumor that it was to seize their country.

Going at once to the minister for foreign affairs in Japan, they made inquiry as to the exact object of the expedition, and were assured that Japan had no intention to seize Corea, and only sent a force there to protect her subjects in Corea. Satisfied with this Kim and So proceeded to Corea at once, arriving at Chemulpo with the Japanese force. They had realized that the Tai-wen-kun's revolt endangered their hopes of independence and progress for Corea by giving the Chinese a new lien upon them; and anticipating that Cho would bring Chinese soldiers to Chemulpo, had drawn up during the voyage from Japan a series of arguments in writing against the employment by Corea of Chinese troops in Seoul, and favoring the use of the Japanese force to restore order there.

The Japanese force with So and Kim, and the Chinese force with Cho and his companions, arrived at Chemulpo at about the same time, and while neither force was yet landed, the two parties of Korean officers discovered each other. A consultation ensued between them, in which So and Kim used every argument in their power to induce Cho to abandon the use of the Chinese troops. They urged more particularly that as Japan had a legation in Seoul to protect, she had every right to send troops there; the use of the Chinese, however, could be called for on no ground except such as would give China the opportunity of tightening more firmly than ever the grip on Corea she had loosened in aiding and permitting the American treaty negotiations three months before.

After a prolonged discussion, which grew hot towards the end, it was agreed to by all that, if practicable, to the King should be submitted the question, "Should the Chinese land and enter Seoul or not." Kim Ok Kuin, disguised as a low Korean, then went to Seoul to submit the question to the King. He found the Tai-wen Kun (his bitter enemy) in charge of the King's person, his friends driven away, and that it would be impossible to reach the King. His mission having failed, he returned to Chemulpo, soon after which the Chinese force landed and entered the capital. The Tai-wen Kun was abducted, order restored, and affairs settled into the condition found in Corea on the arrival of Minister Foote.

The Chinese force took up permanent quarters in extensive camps within the walls; almost by the palace gates they erected a fort, as well as two others outside of the city near the approaches from the river Han—these two for use in case of invasion against the advance of a Japanese army towards Seoul. The number of troops landed was augmented a little later to 3,000 men, which number remained in Seoul until June of 1884, when it was reduced to 1,500. A Chinese commissioner arrived in October, 1883.

It has been positively stated to me, though not until they seemed forced to divulge it, by So Kwang Pom and Kim Ok Kuin, that the result of this use of Chinese troops was the exactment of a new agreement between China and Corea, by which the Chinese obtained such rights in Corea as made her more intimately a dependency of China than had ever been the case before. The full particulars of this agreement had not been (on principle) divulged to the western world by either Corea or China; nor could either have well done so. It was undoubtedly the effect of this new agreement with China, originated by Cho-Yong Ha, and the execution of its terms willingly abetted and en-

forced by the Mins, which drove the progressive and truly loyal party in Corea to the extreme measures taken by them in the revolutionary attempt of December 4-7 last.

The King and the progressive Coreans looked upon the American treaty as the wedge which, at least politically, freed Corea from China, and it was hailed by them with great joy. It may then be understood how great was their chagrin to find Corea, by the action of Cho and the Mins before the American treaty was yet ratified, placed anew and more rigidly than ever subservient to China. Thinking that the new status of Corea to China would be understood abroad, they feared that the American treaty would never be ratified, consequently I have been told repeatedly, "His Majesty danced for joy when Minister Foote arrived."

This meant to them one of two things, namely: That the United States understood the real relations between China and Corea, and meant at all hazards to claim independence for Corea; or that the United States did not know of the real status of Corea, in which case, by concealment of the late agreement with China, Corea still had a hope of becoming free, through the effect of her being regarded as independent in the relations between her and the United States. The mission to the United States Government, headed by Min Yong Ik, in 1884, determined for the King and the progressive men (represented in the embassy by So Kwang Pom alone) that the latter view was correct, and they regulated their line of action accordingly.

At the time the Korean embassy was in the United States, Kim Ok Kiun (the oldest of the progressive party of three and its leader in all active measures) was in Japan and in regular correspondence with So Kwang Pom with the embassy. These two men of all Korea were the only ones who possessed any knowledge of the principles of western government; they had both made long visits to Japan, were naturally highly intelligent, and had entered with great perseverance and energy into the progressive spirit of the official classes in Japan; both had been in effect pupils of Fukuzawa, the distinguished leader of Japan in political progress. Both, but particularly So Kwang Pom, were noted among foreigners of all classes who had met them as frank, intelligent, active, useful men. In Corea they and their families were respected and beloved for their just conduct as officials.

With a view to organizing an efficient military force for Corea to replace that loaned by China, the Korean Government had after the revolt of 1882 established four battalions of Korean soldiers, and to furnish officers for these, through Kim and So, fourteen Korean young men, many of whom were connections of the houses of the progressive men, were sent to Japan to pursue a course of study and exercise in the Government military school in Tokio. The leader of these students was So Che Pil, a near relative of So Kwang Pom.

During their preparation, the troops were placed under the instruction of Chinese officers, procured for this service by the Mins and Cho-Yong Ha. Kim was much in Japan overseeing the instruction of the students, as well as directing the efforts of other Coreans who had been gotten there, largely through his energy, to study manufactures and trade, and to make purchases of certain machinery and furniture, upholstery, &c., the latter for the palace. Kim's rank of nobility corresponds to that of baron, and his office is president of the department for improvement and colonization of waste lands. As this embodied intercourse with foreign countries, he was later made a vice-president of the foreign office.

Pak Yong-Hyo by ancient Korean law could not hold office, yet the King assigned to him the office of mayor of Seoul. He was not familiar with any foreign language and was much less advanced in progressive ideas than So and Kim; he was, however, earnestly and rather hot-headedly progressive, and entered into reform in Seoul with such over-energy that loud complaints came from the common people, encouraged by the conservative faction, which soon resulted in his removal from office. The anger of the Mins was particularly aroused at the departure from the ancient law as shown in his being given an office by the King.

All the above evidences of progress in Corea are embraced in the interval between the revolt in 1882 and the return of the embassy from the United States in May, 1884. All the work of the three progressive leaders was warmly aided by the king, who had ample opportunities of time at least for encouraging it, the actual machinery of his internal government being worked entirely by the Mins, and in which he had little or no power to act.

A part of the embassy to the United States, headed by the vice-minister, Hong Yong Sik, returned to Corea in the winter of 1883. From this time dates Hong's connection with the progressive party. He expressed himself as having been in a "light so bright as to dazzle him." He entered into the progressive spirit of the King's party with great caution, however, and was always regarded by So and Kim as too slow or aggravatingly indecisive. He received the appointment of postmaster-general from the King, but for a long interval little was done by him toward establishing a postal system. With Hong,

Cheu Kyung Sok returned from America, bringing with him the generous supply of seeds furnished by the Department of Agriculture. He was promptly granted a large tract of valuable land, which he very commendably converted into what is now known as the American farm.

In May the Trenton arrived at Chemulpo, having on board Min Yong Ik, So Kwang Pom, and Pyon Su, with whom I had lived in the closest possible friendship during eight months. Min Yong Ik, the chief of the embassy, had seemed sincere in expressions of his intention to use his utmost energy towards the development of his country, yet I had long since observed that he was faint-hearted and very changeable in disposition; and his constant study of Confucian books he carried on I deemed sadly at the expense of what should have been to him invaluable opportunities for observation and enlightenment. So Kwang Pom and Pyon Su were, however, indefatigable in compiling notes on useful subjects, and from encyclopedia sources, through my translations, they brought home a great mass of information on the political and progressive histories of the principal countries of the world.

On June 2, in a gay procession I went to Seoul with these members of the embassy. On the way, So Kwang Pom took occasion to say to me that he greatly feared that the ambassador, Min Yong Ik, in spite of all that had been done for him, and however good his intentions had been while abroad, might be turned directly to the opposite of what might be expected from him; that what he had learned and seen, through his Confucian training and the hereditary instincts of his family, might be employed, after the manner of the Chinese, directly against Western progress.

The reception of the ambassador in Seoul was enthusiastic. All parties seemed to join in it. The visit of the officers of the Trenton, the expression of good feeling exchanged between the Korean and American Governments and of their officers, these with much else seemed to strengthen the progressive feeling in Seoul. A shadow fell, however, on the King and the progressive men when they learned that Admiral Shufeldt was not soon to arrive in Corea, for the embassy had brought word that he was to arrive in Corea in May. It was then supposed that military officers from the United States would probably arrive with Admiral Shufeldt.

Soon after his arrival Min Yong Ik became a vice-president of the foreign office; So Kwang Pom was elevated in the order of nobility, and Pyon Su, heretofore not an officer in the Government, was made a chusa, by virtue of which rank he was given direct access to the King. The progressive party, now strengthened by the addition of these members of the embassy to the United States, was in high hopes, and with the King himself as their director, began a series of preparations for a vigorous infusion of Western civilization into Corea. Evidently, however, all great measures were not to be taken in this direction until the Chinese troops had left Seoul, in effecting which the services of an adviser, and indirectly those of other persons soon expected from the United States, were believed to be efficient.

It was not long before the Chinese instructors of the Korean troops were dismissed by the King, a charge of cruel treatment having been brought against them. This was followed by the acceptance of the resignation of Mr. P. G. von Mollendorff, from the foreign office, in which he had had great influence as adviser. The creation of these vacancies was too significant to make comment necessary. Arms were also purchased, and under my direction, as requested, stored away carefully in the palace grounds. From Japan, to execute contracts made by Kim Ok Kiun, came a number of qualified Japanese, who were held in readiness to begin teaching the use of machinery, the manufacture of paper, pottery, &c.

Steps were also taken toward securing a director of agriculture, school-teachers, and several other foreigners for service under the Korean Government. In regard to these, the initiatory steps were taken in consultations of the progressive leaders, including the King, in which I was warmly invited to have a voice. I was also daily visited by Pyon Chusa, who came direct from the King with requests for services of different kinds. These I obeyed whenever permitted by my instructions.

Upon the occasion of being asked by His Majesty to order for him an electric-light plant for the palace, I declined, until it was explained to me that it was also meant to extend the right to furnish electrical apparatus to the United States; that such rights had just been refused the British consul-general, and that courtesy would prevent the immediate granting of such rights to the United States minister, who it was known held an application to do so from Mr. Thomas A. Edison. The electric-light plant I only ordered when assured that \$10,000 had been secured to make prompt payments. I also ordered and paid for six head of breeding stock, purchased in California, for the Korean-American farm, to which His Majesty had added an extension some 8 miles square for breeding purposes.

In July the fourteen Korean military students returned from Japan, and were enthusiastically greeted by the progressive men. They were exercised before the King and

gave great satisfaction. A few were given appointments in the battalion of the palace guard commanded by General Han Kin Chik at once.

Min Yong Ik soon showed the effects of the influence brought to bear on him by his family. First he endeavored to pay a visit to China, which the progressive men regarded with dissatisfaction, believing it to be intended as a make-peace visit to off-set any ill-impressions in the Chinese court due to his long association with Western foreigners. This he deferred, however, and originated the idea of changing the national dress in certain details, most prominent of which were the tightening of belts and narrowing the sleeves. This, too, was unsatisfactory to the progressive party, who saw in the change an approach to the Chinese costume, or food for an excuse against the move they contemplated, which was permitting freedom in matters of dress. Min Yong Ik's scheme became a law, and by royal edict the changes in costume were effected by a fixed date.

Suddenly Min Yong Ik resigned from the foreign office and received an appointment as general in command of the Right Palace Guard Battalion. This was immediately following a discussion before His Majesty between himself and So Kwang Pom, in which the King decided a question in favor of the latter. Word had been received through me that Admiral Shufeldt, then expected by every steamer, had not yet left America, and that he would only come to Corea at once upon a formal invitation to do so from the King. This delay in his coming, as well as that of the military officers, left the Government in an embarrassed position, as it was without any adviser in the foreign office or instruction officers in the new army.

Min Yong Ik then proposed, as suggested by the Chinese commissioner, Chen Shu Yang, that ex-Consul-General Denny be at once invited to accept the position of adviser in place of Admiral Shufeldt. So Kwang Pom opposed this, and it was in a discussion of this question in which the King with much firmness favored So Kwang Pom. A telegraphic message was sent at once through General Foote to Admiral Shufeldt to "come at once."

A little later, and through Min-Yong-Ik, five Chinese instructors were called from China for service with the Korean army. This created a great sensation among the progressive men, but was most disastrous to the fourteen students who, by the employment of the Chinese instructors, were thrown clear of any chance of holding military offices consistent with their rank as Korean citizens, to say the least. With the exception of three employed in General Han's battalion, the students were turned entirely adrift from military service and given subordinate positions, out of half charity, by the progressive leaders, in the post-office department, under Hong-Yong Sik.

By September of 1884, Min-Yong-Ik was entirely clear of the progressive party. His associates were Chinese, and the strongest members of the pro-Chinese faction; he did not receive visits from Western foreigners in the daytime, and on several occasions showed contemptuous insolence in their presence. In August a Korean officer of high grade was openly seized by a party of Chinese soldiers and beaten so severely by them in the street that his life was despaired of; this was the outcome of a quarrel between the Chinese commissioner and the Korean officer about the right of passage through a gateway of the Korean officer's house, which was next to that of the Chinese officer.

After having been beaten, the Korean officer was held as a prisoner in a Chinese house until released by the interference of the British consul-general, Mr. Aston. Min-Yong-Ik's indifference to an appeal to him for action against the Chinese in this case served only to strengthen the feeling against him of the progressive men, and of the common people against his family.

During the autumn the numbers of Chinese in Seoul increased rapidly, and the foreign office business was reported to be almost entirely confined to actions of Chinese against Koreans for debt. Chinese began to extend their homes and trading-places into the country; they came and went as they pleased without passports. Mr. P. G. von Möllendorff had again practically become the adviser in the foreign office.

In September and October some of the Japanese who had long been waiting for employment under the contracts arranged by Kim-Ok-Kiun began to push their claims through their legation.

The new army at this time consisted of the four palace guard battalions, in aggregate 5,500 men, of whom 3,000 were armed with Peabody-Martini rifles. The battalions were commanded by Generals Min-Yong-Ik, Cho-Yong-Ha, and I-jo-yun of the strong Chinese faction, and General Han-Kin-Chik; the latter officer had at first been regarded as one of the progressive party, but latterly I was told that his real political status was doubtful; that at heart he was progressive, but feared the opposition of the Chinese party. However his real status may have been, it was in his battalion only that the military students were employed, and he was on friendly terms with the progressive men.

This officer, Han-Kin-Chik, was the highest general in rank, and as such he was the representative head of the government in the great guild among the common people,

called pusang, which may be likened to a great body of militia. It was by the invitation of this officer that I was conducted through the Pukhan Mountain fortress of Seoul, with the view of obtaining advice from me as to sites for certain new forts. Reference is made to this in a report on my first journey into the interior of Corea.

The attitude of the Japanese in Seoul had always been such as to indicate an earnest desire to aid the progress party and to be on peaceable, friendly terms with the people. The conduct of Japanese citizens towards Coreans was commendable. Indicating great consideration on the part of the Japanese Government towards Corea, was the restraint placed upon Japanese merchants establishing themselves in Seoul by the Japanese minister, who evidently in doing so followed the spirit of the treaties by which the capital was not to be thrown open to trade if the Chinese left.

In October one of the progressive party leaders told me that unless foreign intervention prevented, Corea would soon be irreclaimably in the hands of the Chinese, and with great bitterness went on to say that his small party had not only lost power to proceed further and had been receding, but that they were in actual danger of execution; that this might follow any charge made against them by the Chinese faction. He also stated that that part of the King's revenue meant to be used by the King through them to fulfill all progressive contracts had been cut off from him by the Mins, (notably through Min-Thai-Ho, who controlled the chief revenues), and was being used to pay Chinese instructors and equip Corean soldiers with a view to amalgamation with the Chinese army.

Having heard on unquestionable authority that certain Chinese officers had informed some Corean officers of the Chinese faction that in case of war French ships would be fired on by Chinese from Corean territory, I believe that the Mins have been preparing in obedience to the will of China, their contingent of Corean troops for the use of China in the war with France. In December the annual tribute of Corea to China was to start overland for Peking in charge of the usual procession of ambassadors and underlings, numbering in all about one hundred persons; it is more than likely that, with the tribute party in this December, it was intended that Corean troops should go to Peking; above all things this would move the progressive party to desperate action.

On October 25 one of the progressive leaders called upon me, and at once began to speak passionately of the unfortunate situation of the King and his party. Later, with deliberation, he stated that for the sake of Corea Min-Thai-Ho, Cho-Yong-Ha, the four generals, and four other lower officials possibly, would have to be killed. Though the officer was passionate in his manner, he was one whom I had always found positive and correct in his statements to me; his words, therefore, did not seem empty to me, and I became indignant that he should communicate such an idea to me. A few sharp words passed between us and he then quieted down.

On October 26, during a call on Min-Yong-Ik, I learned that the separation of the two parties was so wide as to prevent any discussion of public affairs in which officers of the two parties might be brought together; this convinced me that a crisis was near at hand and one which would probably result in blood-shedding and violence not confined to the official classes of Coreans.

Prior to this I had constantly been in the habit of communicating any and all news of political interest to the United States minister, to whom I had felt this a particular duty and one which I believed would give him satisfaction, for living in the midst of the city and having intimate associates among all classes of officials, I believe I had exceptional means for obtaining useful information.

On October 28 I told him every detail of what I had heard, and expressed firmly the opinion that these were sufficient to forewarn some serious outbreak in Seoul. On October 31 I called upon Ensign Bernadon and Mr. W. D. Townsend, the two other Americans in Seoul, and told them what I believed to be the situation. On this day Hong-Yong-Sik called upon me, and I received notes from two other members of the progressive party requesting interviews; these I was forced to refuse, and on the following day I set out from Seoul to make a second journey into the interior of Corea in accordance with my instructions from the Navy Department. A report summarizing my experience during this journey, including the period of the revolutionary attempt in Seoul I have already submitted to the Department.

I append to this a list of the officers of the Corean Government, including members of both parties, who were foremost pre-eminently in Corean politics and active duty under it, together with other notes which, in my opinion, may assist in throwing light upon the situation in Corea.

Very respectfully submitted.

GEORGE C. FOULK,
Ensign, United States Navy, Naval Attaché.

LIST OF COREAN OFFICERS, WITH TITLES, OFFICES, ETC.

NOVEMBER, 1884.

The pro Chinese, or Min party.

- Min-Thai-Ho*.—Rank, earl (poguk); a blood relative of the Queen; father of princess royal by affinity; a brother of Queen by adoption. Head of home department; treasurer for all general revenues expended for maintenance of troops of capital guard; subsistence of relatives of King's family and their dependencies, which include a large part of the population of Séoul. Father of Min-Yong-Ik. Held several other offices.
- Min-Yong-Mok*.—Rank, count (pansoh); blood relative of Queen; ex-president of foreign office. Head of military post at Poupyong, and chief recruiting officer general. Held two other offices.
- Min-Ung-Sik*.—Rank, count (pansoh); blood relative of Queen. Recently given, in addition to other offices, office of kaussa, governor of Pyongan province (Chinese border), and was engaged in equipping provincial troops.
- Min-Yong-Ik*.—Rank, prince; by affinity through adoption, nephew to Queen, to whom is nearest relative through the Min (deceased) who adopted him from his natural father Min-Thai-Ho; this made him court favorite as also champau (assistant) in board of ceremonies, but chief office is general of right palace guard battalion.
- Cho-Yong-Ha*.—Rank, earl (poguk); by marriage related to Mins. Greatly beloved by people for justice and generosity; bore honorable title "loyal knight" for meritorious services to the King. Since 1882 not in favor in King's court; out of active office, yet active in all business between China and Corea, a fluent Chinese scholar; arranged contract for employment of Von Mollendorff.
- I-jo-Yun*.—Rank, marquis (champau); a strong member of faction; commanded left guard battalion of palace.
- Yun-Tae-Jun*.—Rank, marquis (champau); a rank Confucianist. Champau (assistant) in board of justice; ex-vice president of foreign office; commanded rear battalion of palace guard.
- Kim-Hong-Chip*.—Rank, count; president of foreign office; had risen rapidly; noted for obstinate hatred of Christianity and having torn up copy of Scriptures presented to board of which he was a member to decide as to whether it was a fit volume for the King to have.
- Kim-Yun-Sik*.—Rank, marquis (champau), vice-president of foreign office; one of nobles who brought Chinese troops to Seoul in 1882.
- Shim-S'hang-Un*.—Rank, marquis (champau), governor of capital province.
- O-Yun-Chung*.—Rank, marquis (champau) vice head of one of the six boards; one of the nobles who brought Chinese troops to Seoul in 1882.
- Kim-Kin-Pok*.—Chief eunuch, head of palace household department and in constant attendance upon the Queen.

The above officers were leaders; each held large estates, and resided in extensive establishments in Séoul, connected with each of which was a great body of underlings of various grades. Besides there are many other high nobles as well as others of lower grades, but not active in international affairs of the Government.

The Progress party.

- Hong-Yong-Sik*.—Rank, count (pansoh) postmaster-general; of an illustrious Korean family; vice-minister in embassy to the United States. Held office in one of the six boards.
- Kim-Ok-Kiun*.—Rank, marquis (champau), vice-president foreign office, head of colonization department; chief of progress party; extremist.
- So-Kwang-Pom*.—Rank, baron (chamise); held also special rank of nobility called takiyo, by virtue of which was near person of the King constantly; held office in home department; secretary to embassy to United States, as regarded abroad; was third minister in embassy and sent with it specially for King's service.
- Pak-Yong-Hyo*.—Rank, prince (kum-oi-nung); brother-in-law to King; not in office; had been mayor of Seoul; in title, first in rank of progress party; extremist.
- Han-Kin-Chik*.—Rank, count (pansoh); relative of So-Kwang-Pom; general commanding front palace guard battalion; government head of the guild called pusang, a large body resembling militia among lower orders of people; long a doubtful member of the progress party.
- Pyon-Su*.—Rank, chusa (no English equivalent); member of embassy to the United States; actively engaged in progressive affairs for the King; had long resided in Japan.

Other than the above-named progressive officers there were a few officers of low rank who were inactive members; a small body of the middle class among the people favored them.

Mok-Champau is the Korean title of Mr. P. G. von Mollendorff, who regards himself as a Korean subject; rank, marquis, vice-president of foreign office; had at one time held four different offices; head of Korean customs; practically, foreign adviser of the Government; an active member of the pro-Chinese party, and highly influential, mainly through Cho-Yong-Ha, Kim-Hong-Chip, and Min-Yong-Mok.

No. 232.

Mr. Foote to Mr. Frelinghuysen.

No. 140.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, January 9, 1885. (Received March 16.)

SIR: I have the honor to inform you that a convention has been concluded between the Korean and Japanese plenipotentiaries, a copy of which is herewith transmitted, whereby all differences growing out of the late troubles are amicably adjusted.

I am, &c.,

LUCIUS H. FOOTE.

[Inclosure in No. 140.—Translation.]

The late trouble in Seoul having been serious, His Imperial Japanese Majesty was deeply concerned about the same, and therefore has sent his special ambassador, Count Inouye, to Corea with full powers for the settlement of the matter. His Korean Majesty was equally anxious for an amicable settlement, therefore he appointed Kim-Hong-Chip, and gave him full powers to negotiate the matter with the Japanese ambassador, and to settle the question on such terms as would be agreeable to both parties, so that friendly relations might be restored and trouble in the future prevented. Thereby, credentials being presented, the convention was signed and sealed by both parties, as follows:

- (1) His Korean Majesty shall apologize to His Imperial Japanese Majesty by letter.
- (2) The Korean Government shall pay \$110,000 as damages for the benefit of the families of the Japanese citizens who have been killed, as well the wounded people, and for the losses of merchandise.
- (3) The murderer of Mr. Isobayachi, a lieutenant of the Japanese army, shall be arrested and punished by death.
- (4) The Japanese legation shall be built in another location, and sufficient ground shall be granted by the Korean Government for the legation and consulate, and \$20,000 shall be paid by the Korean Government as the cost of the aforesaid buildings.
- (5) An additional lot may be selected adjacent to the ground of the legation for the station of the Japanese guard, in accordance with the conditions of the 5th article in the supplemental convention made in the year 1882.

Copy of the article in the supplemental convention made in 1882.

“Some Japanese soldiers may be kept in the Japanese legation as a guard, their station being built at the expense of the Korean Government, but they may be removed one year hereafter, if the Korean people should preserve order, and the Japanese minister finds it is unnecessary to keep the guard.”

Eleventh month and twenty-fourth day of the four hundred and ninety-third year of the present Korean dynasty.

KIM-HONG-CHIP,
Prime Minister, His Korean Majesty's Special Ambassador.

Japanese Meiji 18 year, January 9, 1885.

COMTE INOUE-KAORU,
His Imperial Japanese Majesty's Special Ambassador.

No. 233.

Mr. Foulk to Mr. Frelinghuysen.

No. 146.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, January 31, 1885. (Received March 16.)

SIR: I have the honor to submit the following relative to the situation in Corea:

His Majesty the King is authoritatively stated to have yielded the administration of the Government exclusively to the Oi-jöng-pu (or ministerial body) upon the demand of the conservative faction of the Government. This faction has also demanded the execution of Kim-Ok-Kiun and four other of the late conspirators, all of whom are now in Japan, to which country they escaped immediately after the late revolutionary attempt.

His Majesty, exhausted with care and business consequent upon the recent difficulties, and augmented by exposure, has been quite ill, but is now recovering.

The torture and trial of twelve persons implicated in the conspiracy were concluded on the 27th instant, and they were sentenced to death. Six were executed a few hundred yards from this legation and five on the main street of the city on the 28th and 29th instant.

These persons were placed face down in the streets and decapitated by from six to ten blows of a dull instrument, while a rope secured to the ques served to open the wounds. The bodies were all dismembered and distributed about the streets for exposure for three or four days. The twelfth victim died in prison from voluntary starvation and the effects of his torture. Of these twelve persons one was a student of high birth, the others underlings and headmen of the houses of the conspirators.

A great number of other persons had been hunted down and tortured. This augmented the consternation which already existed after the *émeute*, and thousands of citizens fled from the city; these are now returning and the populace in general is quieting down.

The two Chinese ambassadors yet remain in the city with a considerable body of troops. The Japanese legation, temporarily outside the west gate of the city, is in charge of a chargé d'affaires, and is the headquarters of six hundred Japanese soldiers under the command of a colonel. Japanese civilians come into the city, but through distrust on the part of the Coreans, may not rent quarters within the walls.

The other powers (except Russia and Italy, who have no representatives in Corea), namely, England and Germany, are represented by an acting consul-general and an acting commissioner, respectively. I have reason to believe that active foreign intercourse of the Corean foreign office is as yet confined to this legation. This I inaugurated as soon as the foreign office had recovered sufficiently from the paralyzing effects of the *émeute* in attempting to ascertain the position of the Government and His Majesty with regard to contracts made with Americans before the attempted revolt. These were exclusively originated in the King's name, I find, and by his authority. While the way is not entirely clear as to their fulfillment the outlook to this effect is favorable, precluding, of course, any new difficulties.

I am, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 234.

Mr. Foulk to Mr. Frelinghuysen.

No. 148.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, February 10, 1885. (Received March 16.)

SIR: On the morning of the 8th instant the Chinese ambassadors, dispatched to Corea upon the occasion of the late revolutionary attempt, took their departure from Seoul to return to China, removing, from the city at least, the major part of the Chinese troops which have been stationed there.

On the day before their departure they were visited by His Majesty, the King of Corea, who moved to their headquarters, nearly a mile distant from the royal palace, in an imposing procession. The interview lasted upwards of two hours.

As to the character of the negotiations of these ambassadors during their prolonged stay in the capital, it has been impossible to ascertain, but it is not unlikely that they were of much significance.

On the 2d instant a board of high officers, forming a part of the department of justice, memorialized the King for the lives of the women of the houses of the conspirators who are now in Japan. This created considerable excitement, and it was generally believed the women, who are as yet hiding in the mountains, would be arrested; however, on the following day the Official Gazette announced that the offices of the memorialists would be taken from them, and that their memorial had been disapproved of by His Majesty.

I have, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 235.

Mr. Foulk to Mr. Frelinghuysen.

No. 150.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, March 1, 1885. (Received April 27.)

SIR: On the night of February 23 ultimo a conflagration broke out in the district adjoining this legation on the north, and a quantity of valuable timber, together with the buildings which contained it, all the property of the Corean Government, were totally destroyed. The fire is supposed to have been the work of an incendiary, and to have some bearing upon the intended removal of the royal family to a palace, for repairing which the timber was intended.

Owing to the very close proximity of the fire to this legation, and the fact that fires are not unfrequently started as signals, or to draw people together as preliminaries to acts of violence in Corea, considerable apprehension was felt, more particularly among the natives of this district; this, however, appears to have been groundless. Several hundred soldiers were dispatched, and the fire subdued in an orderly manner.

The special object of this communication is to inform you that upon the breaking out of the fire the commandant of the Japanese force sta-

tioned here promptly dispatched a guard of soldiers to this legation for its protection. With my understanding of the times and this country, I deem this to have been a highly commendable act, and have addressed a special letter to the Japanese representative here, expressing for it my thanks and appreciation on behalf of our Government.

I am, sir,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 236.

Mr. Foulk to Mr. Frelinghuysen.

No. 151.]

LEGATION OF THE UNITED STATES
Seoul, Corea, March 5, 1885. (Received April 27.)

SIR: There is residing at Seoul an American physician, Dr. H. N. Allen, who has been sent here to render gratuitous service as such purely, and with the view of establishing for the Government or people of Corea a hospital, by the American Presbyterian Board of Missions. Immediately following the revolutionary attempt of December last Dr. Allen rendered great service to a large number of Coreans and Chinese soldiers who had been wounded.

In January last I brought the subject of establishing a hospital before the notice of the Corean Government and proposed Dr. Allen's scheme. This has met with high approval from the Government and been accepted. A large house is nearly ready for use as a hospital, of which Dr. Allen will be in charge, assisted by a second American physician, soon to arrive. The only foreign expense incurred will be about \$300 per year for medicines.

I am, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 237.

Mr. Bayard to Mr. Foulk.

No. 35.]

DEPARTMENT OF STATE,
Washington, March 19, 1885.

SIR: I have received your No. 146 of January 31 last, concerning affairs in Corea subsequent to the recent revolutionary attempt, and although your dispatch has been read not without interest as showing the true situation, yet the torturing punishment in putting to death those implicated in the conspiracy cannot but be looked upon by civilization everywhere as the most brutal and inhuman.

I am, &c.,

T. F. BAYARD.

No. 238.

Mr. Bayard to Mr. Foulk.

No. 38.]

DEPARTMENT OF STATE,
Washington, April 30, 1885.

SIR: I have received your No. 150 of March 1 last, concerning the detail of a Japanese guard to protect the United States legation at Seoul during a conflagration which occurred on the night of February 23 last.

I have communicated a copy of your dispatch to the United States minister at Tokio, Mr. Bingham, and have requested him to supplement your acknowledgment of that courteous act by a formal note to the Government of Japan, conveying an expression of the sincere and grateful thanks of the United States for this signal and friendly service.

I am, &c.,

T. F. BAYARD.

No. 239.

Mr. Foulk to Mr. Bayard.

No. 176.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, May 30, 1885. (Received July 13.)

SIR: It gives me pleasure to report that the Government hospital which formed the subject of my dispatch No. 151, dated March 5, is in successful operation, and promises to be a permanent institution of the Corean Government. The buildings were fitted up in the Corean style, with only such innovations as were absolutely necessary to accommodate fifty in-door patients, and to admit of a dispensary, waiting rooms, and rooms for surgical operations.

The opening of the hospital was announced in a general proclamation to the whole country. The opening, of an informal character, took place on February 25, when some thirty patients were treated. Since then the daily applications for treatment have been very numerous, and the average number of cases treated daily, except Sundays, has been about sixty. The diseases presented are in a great measure of the most horrible orders, and with their great number show the most deplorable sanitary wretchedness of the Corean people.

The readiness with which people of all classes, ages, and sexes patronize the hospital is very remarkable when it is considered how distrustful Orientals are in other countries in accepting Western medical treatment and the early stage of Corean development. It may be largely due to the fact that His Majesty and the members of the royal family repeatedly were treated by Dr. Allen.

At the time of establishing this hospital there yet existed in name a hospital called "Hei-min-so," founded some four hundred years ago, but for more than a century past entirely obsolete so far as its service was concerned; nevertheless nearly a thousand persons held positions under this old system and have been drawing salaries from the Government. With the establishment of the new hospital, the Hei-min-so was abolished by decree, only a few of its attaches being retained for service in the new hospital. It is natural to suppose there would be much feeling engendered by sweeping away thus an ancient institution upon which

so many livlihoods were dependent, but no such feeling whatever has been apparent.

A small sum of money is exacted from each patient who can afford to pay for medicine or treatment, and in this way the hospital is already made more than self-supporting. A number of bright young men and women have been attached to the hospital to study medicine.

I have, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 240.

Mr. Foulk to Mr. Bayard.

No. 177.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, May 30, 1885. (Received July 13.)

SIR: I have the honor to report that affairs in Corea are in a more peaceful and harmonious state than at any time heretofore since the disturbances of December last. Serious apprehension, which had been giving rise to disturbing rumors, was allayed by the happy termination of the conference at Peking between Japan and China.

At present the chief topic of speculation among the Government officers and the nobles is the expected return of the Tai-wen-kun, the father of the King and ex-regent, who was carried to China after the revolt of the troops of Seoul in 1882; his return is expected as one of the results of the Peking conference. By a large class of the most powerful nobles, who are influential through connection with the family of the Queen, the return of the Tai-wen-kun is greatly dreaded, as his having been carried to China was due to his attempt to cut off their influence in 1882, and even to remove the Queen. An embassy of three members was appointed by His Majesty to go to China to bring back Tai-wen-kun early in this month, but it has not yet started, the delay being stated to be due to the opposition of the Queen's party to the return of the Tai-wen-kun.

By the masses of the people the possible return of the Tai-wen-kun would seem to be hailed with pleasure. He is known to be a man of much firmness of character, of great ability, and great power among the people, and more particularly as being an intensely patriotic Corean. While foreigners in Corea are unable to foretell the effect of his return, they generally express satisfaction at its possibility under the hope that he may introduce the spirit of firmness and decision now so lamentably absent in the Government. The Tai-wen-kun is now about sixty-seven years old, but yet physically and mentally sound and energetic.

In March last the people of the district called Yö-ju arose in arms against the local governor or pusa in an attempt to resist excessive and illegal taxation; they destroyed the governor's house and seriously injured a number of his agents. The governor was a member of the Min family of nobles, against which feeling is strong all over the country. Troops were promptly sent to Yö-ju, the rebellion quelled, and the governor removed and punished.

During the present month a similar rebellion broke out at the capital of Kang-won province, directed here also against the governor, who was also a Min. A stockade was built about the yamens, three of the agents

burnt to death, and the governor injured and forced to flee for his life. The effect of these events has been to create great alarm in the great family of Mins and the report that there was a general movement among the people to exterminate the whole family. Min-Yong-Ik, who was the ambassador to the United States, is still in the country acting as ösa, or detective officer upon the local government; he is accompanied by a guard of forty soldiers. His real object in living thus is fear for his life.

Feeling against the conspirators who fled to Japan has weakened very greatly, notwithstanding the bitter vigilance of the present government to check any movement or speech in their favor. The friends and families of these men remain unharmed and free. No other punishments than those already reported (that is, the execution of eleven persons and death of one from torture) have been made by the Government of persons implicated in the conspiracy of December.

The Government is slowly and with difficulty paying its indemnity to Japan; the first payment of \$25,000 was made during the present month.

A military court is now trying a Japanese soldier who bayoneted and killed a Chinese servant in the Japanese lines in March last.

I have, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 241.

Mr. Foulk to Mr. Bayard.

No. 193.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, July 5, 1885. (Received August 15.)

SIR: I have the honor to report that a Corean gentleman, who had been instructed as to methods of searching for coal-beds by an American merchant, has returned from a journey of inspection, and reports his having found large beds of coal near the sea-coast, on the Ta-tong River, west coast of Corea. Several loads of the coal have arrived in junks at Chemulpo, and there the coal was tested on board the U. S. S. Alert, proving to be of better quality than that of Japan, although that tested was but surface scrapings. A second coal-bed has been discovered some 30 miles south of Chemulpo, on the coast.

Steps are being taken to develop both these beds, an American to work the first and a Chinese company the second.

I am, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 242.

Mr. Foulk to Mr. Bayard.

No. 198.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, July 10, 1885. (Received August 15.)

SIR: I have the honor to report that orders have been received here by the Chinese authorities in Seoul from their Government to effect the complete withdrawal of the Chinese troops now in Seoul on the 22d in-

stant. They will embark at Masanpho in vessels of the firm of Russell & Co., of Shanghai.

The Japanese Government removed its soldiers a week since, leaving a guard of but eighty men for the legation.

It is now understood that an embassy will at once go to China to bring back the Tai-wen-Kun, the father of the King, and the ex-regent, who has been retained in China since 1882.

Unquestionably, the return of the Tai-wen-Kun is eagerly hoped for by the people of Corea, and equally dreaded by a large class of nobles, chief of whom are of the Queen's or great Min family. As to the future influence of the Tai-wen-Kun or his policy of action after his long absence in China, nothing can be definitely known.

As the withdrawal of the Chinese and Japanese troops includes that of the Chinese instructors who have served with the Korean soldiers of the capital, the latter are to be left without any assuredly competent directing officers. Under the circumstances the foreign representatives unanimously regard the departure of the Chinese and Japanese with some feelings of apprehension and regret.

I am, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 243.

Mr. Foulk to Mr. Bayard.

No. 203.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, July 22, 1885. (Received September 11.)

SIR: I have the honor to inform the Department of the complete withdrawal of the Chinese and Japanese troops from Seoul on the 17th and 20th instant, respectively, the former going to Masanpho and the latter to Chemulpo. Both bodies were to sail simultaneously for their respective countries on the 21st instant.

With the Chinese troops a number of civilian Chinese, who had been sutlers and hangers-on to the several camps, left the city. A few Japanese policemen remain as a guard to the Japanese representative.

The withdrawal of the troops was effected quietly and in an orderly manner, occasioning no excitement whatever.

There being no police force established by the Korean Government, steps are being taken to provide protection for the foreign legations and consulates, using a body of Korean soldiers. The formation of a police service is also under consideration.

I am, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 244.

Mr. Foulk to Mr. Bayard.

No. 205.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, July 23, 1885. (Received September 11.)

SIR: I have the honor to report that on yesterday the establishment of a home office was completed by the Korean Government. Such an office, of modern creation, existed until the time of the revolutionary

troubles in December last, when it was abolished by decree. The new minister for home affairs is one of the nobles assigned to a ministerial office by the brief government of the radical progressionists in December last, from which fact his now being placed at the head of the home office is remarkably significant.

His Majesty has been rapidly resuming his former active participation in the affairs of the Government, and it is intimated that he has created the new home office, which is located in the palace, with the object of having the management of all affairs pertaining to the interior of the country under his immediate supervision, assisted by the high minister of state. This arrangement, if carried out, will very materially affect the work and influence of the foreign office.

I am, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 245.

Mr. Foulk to Mr. Bayard.

No. 207.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, July 26, 1885. (Received September 11.)

SIR: I have this day received a communication from the president of the office for foreign affairs of Corea, informing me that in view of the recent withdrawal of the Chinese and Japanese troops from Corea, the Korean Government would at once station a guard of ten Korean soldiers at each of the foreign legations. In case of serious disturbances in the city, or whenever it shall become necessary, an additional force of forty men may be immediately summoned to each legation.

These soldiers are to act as gate guards, and do general police duty about the legation. I inclose herewith a translation of a memorandum of rules to be observed by the soldiers, &c.

A formal application for protection of their legations was made by the German, English, and Chinese representatives. Though I was invited to do this, I declined. For some time past, by the direction of His Majesty, a number of soldiers have been stationed near this legation for its protection; furthermore I deemed it best that, if necessary, the protection should be given voluntarily by the Korean Government.

In reply to the communication of the president of the foreign office, I have thanked him on behalf of our Government for the steps taken for the protection of the legation, as having voluntarily come from his Government.

I am, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

[Inclosure in No. 207.—Translation.]

MEMORANDUM OF RULES.

The soldiers of China heretofore stationed in Seoul for defense, and the soldiers of Japan heretofore stationed in Seoul as a guard to the Japanese legation, having returned in conformity to the treaty made at Peking, from this date (July 26), for the protection of the foreign legations, the following arrangement is prepared by the foreign office of Corea:

For ordinary service at each legation will be stationed ten soldiers, including one chief; these form gate guards.

Should occasion call for it forty other soldiers, including one captain, will be sent to afford further protection. The foreign office has ordered the several yongmun (headquarters of troops), and they will dispatch soldiers as required upon orders sealed at the foreign office immediately.

While these soldiers are at the foreign legations they will use all their strength and vigilance to protect them. The chief soldier, being in charge of nine men, will be reported to the foreign office, who will forward this report to the yongmun, with a request for his punishment if his men are careless and inattentive, or difficulty arises due to them, and if he is proved to have knowingly permitted these he will be severely punished.

The soldiers may not without permission leave the legation. If they wish to go out for a little, as to purchase things, the chief will note when they leave, and if they remain absent too long he will punish them. If a soldier becomes ill, or wishes to get married, or he must bury dead relatives, or if in case of sickness of his father, mother, wife, or child there be no one else to care for them, or if any other such great occasion happens, he may report to the yongmun, or the foreign representative, who will notify the foreign office and it will provide a relief for him.

These protecting soldiers have always received monthly wages, and while they are at the foreign legations they must provide their own food, fuel, and water.

No. 246.

Mr. Foulk to Mr. Bayard.

No. 224.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, September 2, 1885. (Received October 30.)

SIR: I would respectfully report that for several months past the Korean Government has been taking active steps toward the improvement of its military force, and more particularly to have it in such shape that the expected military instructors may upon their arrival promptly begin their work of rendering it practically efficient, after Western military tactics.

Some time since an order, with an advance payment of \$8,000, was given the American Trading Company of Yokohama, Japan, to furnish His Majesty with 6 new model Gatling guns and 75,000 cartridges. These are expected to arrive from the United States at an early date.

In regard to these guns, an order for them was given last year by His Majesty to the Gatling Gun Company of Hartford, Conn.; the order was suppressed, however, in January last, by Mr. P. G. von Möllendorff, who had formerly offered to procure them at a cost of \$7,000 apiece, while the price of the 6 guns and 75,000 cartridges ordered by His Majesty was fairly fixed at \$16,000, delivered at Chemulpo, Corea.

Orders have also been given for a supply of powder, caps, and bullets, with a number of reloading machines; these to be used in reloading shells expended in practice already with the 3,000 Remington and 1,000 Peabody-Martini rifles now in the hands of the troops. Two hundred thousand cartridges have also been ordered, and the purchase of powder-making machinery is under consideration.

The troops of the capital guard are the only ones of Corea which have as yet been organized with considerations of Western methods. They are divided into four battalions, and number about four thousand men. They have been well exercised in the use of modern rifles by long continued target practice, are uniformed, well garrisoned, and subordinate, but are sadly deficient in training as to the manual of arms, company or platoon drill, or fighting tactics. The officers are Coreans of the old civilization, without any knowledge of the requirements of troops to be trained after Western methods.

In regard to the supplies for the troops referred to above, I may state that their being ordered is the outcome of requests for advice on the subject to which they pertain made to me last year, and to which I responded as authorized by the instructions issued to me as naval attaché to this legation.

I am, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 247.

Mr. Foulk to Mr. Bayard.

No. 225.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, September 4, 1885. (Received October 30.)

SIR: It gives me pleasure to report that the so styled "American farm," established by His Majesty near Seoul in 1883, upon the return of the Korean embassy from the United States, is in a thrifty, flourishing condition. The farm has been from the beginning under the superintendence of Mr. Chœ-Kyông-Sök, a Korean military officer, who visited America with the Korean embassy and brought back a supply of seeds presented by the Department of Agriculture.

Last year almost the entire crop of the farm was allowed to go to seed, after a very successful season. Large quantities of all the varieties of seeds were thus obtained, which were later distributed in three hundred and five localities of Corea, accompanied by directions for planting and use. So far as has been learned the farming of these seeds this year has been very successful.

The farm near Seoul this year supplies very creditable quantities of all the common vegetables to the palace and the foreign residents. In this connection I may state that some seven months ago I was informed by the Commissioner of Agriculture that a new lot of seeds would be at once sent to Corea by his Department through the Department of State. To the great disappointment of the Korean Government farmer these did not arrive in time for use in the planting season, nor have they yet arrived.

His Majesty having granted the Government farmer a tract of land to be used for the purposes of breeding and improvement of the native live stock and horses, two lots of the best California breeding animals were purchased by the farmer and arrived in good condition two months ago. These included 2 mares and 1 stallion of the best obtainable blooded stock; 2 Jersey cows and 1 bull; 3 Shetland ponies for the use of the crown prince; 8 pigs and 25 sheep. All these animals are very superior to those of Corea except the cows, which are only superior as milk givers, and have attracted an immense amount of attention. Thus the farm is fairly well stocked with the necessary foreign importations, and but needs the advice of a competent Western farmer to become infinitely beneficial to this country.

While farming is a subject far removed from my profession, and my instructions contain no reference to the possibility of my having to deal with such a subject in Corea, I have felt impelled to advise and assist wherever I could in establishing this farm, as requested from time to time by the Koreans, who are and have been absolutely without any

one else to do as they have requested of me. I have all the more willingly assisted through my conviction, formed after unusually extensive travel about the country, that in no other way than by improving their agricultural methods and increasing the amount and variety of agricultural products, by utilizing for adaptable Western products the great amount of upland now lying idle and profitless, can these people be more substantially and lastingly benefited.

I am, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy; Chargé d'Affaires ad interim.

No. 248.

Mr. Foulk to Mr. Bayard.

[Extract.]

No. 231.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, September 25, 1885. (Received November 6.)

SIR: I have the honor to inform the Department of State that a commissioner of telegraphs, dispatched by China, has arrived in Corea, and with a force of workmen, consisting of foreigners of a Danish telegraph company and Chinese, is now actively engaged in erecting a line of telegraph of considerable extent in this country.

The line will begin at Chemulpo, thence go to Seoul, whence it will be extended northwards through Peng-Yang, the capital of Phyöng-An, the northwest province of Corea, to Oichu (Ichow, in Chinese), a town of Corea, on the Amnok River (Yalu, in Chinese). At the latter place the line will connect with the telegraph extending from Peking through Mukden.

Upon close inquiry of officers of the Korean Government I learn that this telegraph line is to be built under an agreement entered into by Corea with China, according to which China is to erect the line, furnishing the whole of the money required, and to establish it in working order. Corea is to receive all the receipts of the line during the first five years of its operation, and to pay no money to China on account of the cost of the line during that interval. During each of twenty years subsequent to the expiration of these five years Corea will pay to China 5,000 taels. At the end of twenty-five years, the line is to become the sole property of the Korean Government. The total cost of the line in money to be paid to China by Corea will therefore be 100,000 taels.

By the present highways the distance from Chemulpo to Oichu, via Seoul, is about 370 miles. While the length of the line will be less than this distance, it will probably be less shortened than a telegraph line over similar land in Western countries would be, on account of the circuitous routes it may be made to take in consideration of the superstitions of the people in regard to graves, dwellings, &c.

There will be four offices of the line in Corea, namely, at Chemulpo, Seoul (Hang-Söng), Peng-Yang, and Oichu. At these the operators are to be furnished by China, and at each office will be Korean students, these being under the direction of an inferior Korean officer, who has studied telegraphy in Japan, and is the chief representative for Korean interests in the line.

On the 11th instant there appeared posted in the most conspicuous places in Seoul a proclamation of the Chinese commissioner of telegraphs, a copy of the translation of which I inclose. This document has excited comment, as to the character of which I need not remark upon.

* * * * *

The manner of conducting the arrangements for this telegraph line has given special dissatisfaction to Japan, and its establishment by the Chinese has been represented to the Korean Government as an infringement upon rights given Japan by Korea in an agreement entered into and concerning telegraphs made at the time the Japanese submarine cable was laid from Nagasaki, Japan, to Fusan, in Korea.

* * * * *

It is expected that the telegraph line will be opened to Peking within sixty days, and work is being pushed upon it with much vigor.

I am, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

[Inclosure in No. 231.]

Translation of a proclamation issued by the Chinese superintendent of telegraphs in Corea made from a copy posted on the south or main gate of Seoul, September 11, 1885.

Shê, chief superintendent of telegraphs in Corea, decorated with the peacock's feather, brevet salt commissioner, promoted to taotai in the province of Chili, and a hereditary officer of the fifth rank, issues the following proclamation:

The undersigned had the honor of completing the erection of the Chinese telegraphs, extending from north to south, over a distance of 10,000 li, through seven provinces.

Instructions have now been received from his excellency Li-Hung-Chang, the minister superintendent of trade for the north, notifying the undersigned that the King of Corea has applied to his excellency requesting him to raise funds and erect on his (the King's) behalf a telegraph line to enable military reports to be communicated.

His excellency Li-Hung-Chang having received His Imperial Majesty's gracious sanction thereto has now specially deputed the undersigned to act as chief superintendent of this work, (accordingly) the undersigned, accompanied by Chinese and foreign officials and operatives and students, and taking with him all the necessary telegraphic stores, materials, and instruments, started from Tien-Tsin on the 3d instant, arrived at Chemulpo on the 8th, and on the 11th opened office and began work.

Proceeding step by step, the line is to run from Seoul through the district of Peng-Yang to Oichu (last Korean town on the road to Peking, called Ichou, in Chinese), where it is to connect with the telegraph system of the province of Mukden (China).

The King of Corea has been requested to notify the various district officials to instruct the local authorities, civil and military, along the route to exercise all precautions and not allow any obstruction to be put in the way of building the line, and injury to be inflicted in any way, and that they are to send soldiers, supply workmen and students for the protection and repair of the line.

In obedience to these instructions of his excellency Li-Hung-Chang, the undersigned has now the honor to issue this proclamation notifying the military and people hereof.

The undersigned, having received the appointment directing him to proceed to Corea and superintend this work, is not capable of delegating his duties to another and must personally maintain surveillance over the erection of the line. Means will be devised to avoid interference with grave-yards, cultivated land, gardens, dwellings, &c., so that no injury may be caused the people.

And you, people, are hereby notified of His Imperial Majesty's decree, and you are called upon to render all possible assistance in completing the work and guarding it against injury. All food and materials required during the erection of the line will be duly paid for, as will also be the regulation charges for all portage. Not a single straw or piece of wood will be taken by force from the people. All dealings between the officials and people will be conducted on fair and honorable principles; there is to

be no quarreling about prices; the people and traders are to pursue their avocations quietly and peaceably. Officers will be detached to see all this carefully and strictly carried out. Any interference by the operatives or any fraud on the part of the linguists will be severely punished by the undersigned.

Let all respectfully obey without fail.

A special proclamation.

(Kwang Lü, 11 Year, 8 moon, 3 day.)

September 11, 1885.

SHÊ,
Chief Superintendent of Korean Telegraphs.

No. 249.

Mr. Foulk to Mr. Bayard.

No. 235.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, September 30, 1885. (Received November 6.)

SIR: I have the honor to report that the telegraph line being erected by the Chinese Government to connect Chemulpo and Seoul, in Corea, with Peking, overland, as reported in my No. 231, has been completed between Chemulpo and Seoul.

An office was opened in Seoul, and this part of the line put in operation on the 27th instant, on the evening of which a dinner was given at the foreign office to celebrate the event.

The Chinese officers and force of operators have started already for the interior, to complete the line to the Chinese border. A force of workmen are working on the line toward Seoul from the Chinese border. The Chinese telegraph commissioner has informed me that the whole line will be in operation within sixty days.

I am, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 250.

Mr. Foulk to Mr. Bayard.

No. 237.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, October 14, 1885. (Received December 7.)

SIR: I have the honor to report that on the 3d instant a Chinese vessel of war arrived at Chemulpo, Corea, bearing the Tai-Wön-Kun, ex-regent and father of His Majesty the King of Corea, who was taken to China by force in 1882 and has since been retained there by the Chinese Government.

The possible return of the Tai-Wön-Kun has for some time been the subject of much speculation, and has excited wide interest in the East. However, no exact or probable date for his return to Corea would seem to have been fixed, or at least been intimated to the public or the Government of Corea. His arrival therefore at Chemulpo on the 3d instant was a sudden surprise in Corea. The news of the arrival spread with great rapidity, and by the morning of the 4th instant some 7,000 or 8,000 natives of Seoul had assembled at Chemulpo to welcome him.

The Government dispatched but one officer of high rank and His Majesty was represented by two of the principal eunuchs of the palace.

The duty of escorting the Tai-Wön-Kun to Corea was intrusted to the Chinese General Yuen, who commanded the Chinese troops prior to and during the *émeute* in Seoul of December last. On the 5th instant the Tai-Wön-Kun was conducted to Seoul under a guard of forty Chinese marines, and followed by the multitude of people who had gone to Chemulpo to welcome him. At the great south gate of Seoul a temporary pavilion had been erected; in this, to which he had proceeded in state, screened from public gaze, the King met his aged father. The streets of Seoul were thronged during the day by excited multitudes of people. From the pavilion the King returned to the palace, and the Tai-Wön-Kun was escorted by the Chinese to his former residence.

The general expression of the people over the return of the Tai-Wön-Kun is one of joy mingled with apprehension, evinced in many ways. Among the officers of the Government anxiety amounting almost to consternation is evinced; numbers of these, and some of the people as well, left the city, and the offices of the Government were half deserted and inactive for several days following the arrival.

A most unfortunate occurrence in its effect upon the already excited state of the Government and people took place by the Queen's order on the 5th and 6th instants in the execution of three persons charged with having aided the Tai-Wön-Kun's attempt of three years ago upon the life of the Queen.

The 9th ultimo was the anniversary of the return of the Queen to Séoul after the attempt of the Tai-Wön-Kun in 1882, during which she was supposed to have been poisoned, but had escaped to the country. The anniversary was celebrated in the palace by a grand dinner and a series of games, to which the foreign representatives were invited, and attended, though not without some misgivings. On this date the Queen effected the beginning of a fresh system, after a lapse of over three years, of ferreting out persons supposed to have aided in the Tai-Wön-Kun's attempt of 1882. By the 5th instant the prisons were well filled with suspects, whose names had been divulged under the severe torture applied to the first few arrested.

The three executions above referred to were timed to the arrival of the Tai-Wön-Kun with the evident object of intimidating the people against giving him new support in their enthusiasm over his return. This action the foreign representatives openly criticised to the Government, as one tending only to increase public danger and excitement. On the 9th instant the Chinese general, Wön, took steps and prevented further executions, and the dismembered bodies of the executed persons were removed from the streets in which they had been lying.

As might be expected, these executions have had the effect of placing the people in a deplorable state of apprehension and excitement. The Chinese, however, have taken pains to cause it to be known that no further executions would be allowed, and now the excitement is waning.

However, the time is regarded as a critical one in the history of Corea, as may be judged from the fact that simultaneously with the return of the Tai-Wön-Kun, there arrived a Russian chargé d'affaires in a Russian vessel of war, a nominee for the position of inspector-general of customs of Corea sent by China, a military officer to relieve the Chinese commissioner of trade, and a relief for the present consul-general for England.

I have, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 251.

Mr. Foulk to Mr. Bayard.

[Extract.]

No. 238.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, October 14, 1885. (Received December 7.)

SIR: I have the honor to report that Mr. S. Waeber, chargé d'affaires for Russia, has arrived and taken up his residence temporarily in Seoul. He came on board a Russian vessel of war which arrived at Chemulpo on the 3d instant.

I have learned that Mr. Waeber comes for the purpose of exchanging the ratifications of the treaty negotiated with Corea last year. However, he has entered into new negotiations with the Corean Government with the view of securing under the treaty the right of overland trade for Russia with Corea, to effect which the opening for trade with Russia of a trading post on the northeast border of Corea is requested.

The position of the proposed trading post desired by Russia is on the Tumen River, at some distance from the sea, and is thus probably placed to be the equivalent of the trading post of China and Corea at Ichow (Oichu, in Corean), on the Yalu River, the boundary between China and Corea.

At present the disposition of the Government towards Mr. Waeber's proposition is guardedly favorable. However, in case a trading post is to be established, the Government proposes as its site one of the three places on the east coast of Corea, a little to the southward of the mouth of the Tumen River, the nearest one to Possiette, the southernmost Russian town of Eastern Siberia, being about 130 miles distant by the sea route.

Along the northeastern border of Corea, Russia and China are contiguous. A question as to the boundary separating them here has sprung up, and commissions have been sent by the respective Governments to settle the dispute by fixing the boundary line. Russia claims that the boundary maintained by China is placed too far to the eastward. This question has much bearing upon Mr. Waeber's negotiations in regard to the trading post for Corea and Russia. Mr. Waeber's manner of dealing with the Corean Government is mild and very satisfactory to it.

* * * * *

I have, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 252.

Mr. Foulk to Mr. Bayard.

[Extract.]

No. 239.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, October 14, 1885. (Received December 7.)

SIR: I have the honor to inform you that on the 4th instant a Chinese revenue steamer arrived at Chemulpo, bringing Mr. H. F. Merrill, an American, late of the Chinese customs service, who is to become, through

China's nomination, the inspector-general of the customs of Corea, vice Mr. P. G. von Möllendorff, dismissed.

* * * * *

The position of inspector-general of customs in Corea is regarded as the first of those foreigners may fill. It is at present attended by very great difficulties, the affairs of the customs being in a wretchedly corrupt and confused state. * * *

The customs service has, for the past two years, been more than self-sustaining; estimates place the surplus revenue at about \$45,000 per year. Up to the present time, however, as I have been informed by the president of the foreign office, the General Government has not received for its disposition a single dollar of revenue, the whole having been disbursed in impracticable schemes.

I have repeatedly endeavored to secure statistics of the customs for transmission to the Department, but learned that no returns have ever been made by the head customs office to the Government. The returns for the past three years can never be made public, as the statistics are said to have been destroyed during a conflagration, together with the customs office, at Chemulpo in July last, at the time the Government began an investigation of Mr. von Möllendorff's work.

Trade is increasing at each of the open ports. At Chemulpo the monthly gross receipts of revenue are \$20,000, and are increasing each month.

I have, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 253.

Mr. Foulk to Mr. Bayard.

No. 241.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, October 15, 1885. (Received December 7.)

SIR: I would respectfully ask the attention of the Department of State to the growing need of a United States consular officer at Chemulpo, Corea.

It is true that as yet but one American merchant, a general commission agent, has established himself there, yet it would appear to me that there is a strong desire of our merchants in the East to extend their business to Corea, and that they only await the facilities and protection to be afforded by the presence of consular officers at the open ports.

Chemulpo is pre-eminently the port of Corea at which foreign trade will be most rapidly developed. Although three years ago it was but a small fishing village, it now contains a population of 6,000 natives, 500 Japanese, 300 Chinese, and about 40 foreigners of Western countries. All these have been drawn there by trade only. The population is increasing rapidly, and it is reasonable to predict that it will become the second city of Corea as regards size, and the first as regards commerce.

The Chinese and Japanese have long since built expensive consulates at Chemulpo, and at the other open ports as well, and are represented by full consuls. Their concessions are well built up, contain many thriving shops and stores, and are thronged by Coreans at all times, most of these coming from the capital and the interior to trade.

England and Germany are represented by vice-consuls, that of the former occupying the comfortable and excellently situated building erected to become the consulate of the United States by Mr. C. H. Cooper, under an agreement to this effect made with him by Mr. Lucius H. Foote. A new consulate for England is about being completed.

The several American firms of Japan that have done business in Corea through traveling agents have been very successful in securing large orders, but the expenses of conducting business in this way have necessarily been great. They should have regular agencies established in the country, as at Chemulpo, but to conduct business through these successfully they must have consular assistance in combating the business prestige of the Japanese and Chinese.

I have already informed the Department that the American merchants of Yokohama have united in addressing me to ask that steps be taken to facilitate business enterprises they contemplate entering into in Corea.

While the experience Coreans have had in dealing with American merchants is limited as regards numbers of the latter, I am convinced that there is a strong desire among the leading Coreans to deal with them, this being not only the effect of upright dealings with our merchants in the past, but also of the general commendation given Americans in Corea by the Chinese.

Should a consular officer be appointed for Chemulpo, he would almost necessarily have to be salaried, as in all probability no person could be found who would accept the office with its fees for his remuneration.

I have, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 254.

Mr. Foulk to Mr. Bayard.

[Extract.]

No. 243.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, October 20, 1885. (Received December 7.)

SIR: In accordance with the customs of official etiquette in this country, I have asked for and had an audience with the Tai-Wön-Kun, ex-regent, and father of the King of Corea, reported in my No. 237 as having recently been returned from China by the Chinese Government.

The audience was held in the private residence, a small palace of the Tai-Wön-Kun. The Tai-Wön-Kun received me with pleasing dignity on the steps of the audience chamber, and taking me by the hand, led me within, where a light collation was prepared.

I found the Tai-Wön-Kun a very remarkably well-preserved man, sixty-eight years old, but appeared to be not more than fifty. His face shows great decision and firmness, with high intelligence. He is active in speech and motion of body.

His conversation was frank and agreeable. He stated that he was not civilized in the Western way; that he had lived in seclusion in China, and had met only one or two foreigners while there; that he had been advised to lead a life of retirement in Corea, content with the honor due him as father of the King of Corea. He asked me many questions,

a few touching upon political affairs, to which I replied as guardedly as possible. When I withdrew he stated that he was old and lame, and possibly could not return my call, and asked me to come often informally to see him.

However, the Tai-Wön-Kun returned my call on the 11th instant, together with the calls of the other foreign representatives who had asked for audiences with him. During this call he stated the Chinese and the King did not wish him to use his own name, but the simple title Tai-Wön-Kun (great prince of the royal house). As he was leaving the legation, I overheard him say to one of my head servants:

Remember always that you are a Korean, and do all you can to help your country, though you serve in a foreigner's house.

The result of my observations is that I believe the Tai-Wön-Kun to be a man who cannot, with his present strength and activity of mind, avoid being drawn into active participation in the affairs of the Government.

The Chinese authorities treat him with great deference and kindness, and without doubt it has been their endeavor to cause him to lean towards their policy in regard to Corea. However, they show much anxiety, and are vigilantly watching him.

* * * * *

It is possible that the Chinese have already observed that the Tai-Wön-Kun cannot remain inactive in Corea, and that he may endeavor to release Corea from their oppressive interference, for on yesterday an envoy started for China with a request from the Korean Government for the stationing of Chinese troops in Seoul, a request most reasonably to be inferred as having been dictated by the Chinese themselves.

I have, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

No. 255.

Mr. Foulk to Mr. Bayard.

[Extract.]

No. 245.]

LEGATION OF THE UNITED STATES,
Seoul, Corea, October 21, 1885. (Received December 7.)

SIR: I have the honor to report that the exchange of the ratified treaties of Russia and Corea took place on the 16th instant. The treaty thus consummated is similar to those made by Corea with England and Germany. Mr. Waeber, the Russian chargé d'affaires, sails to-day for Shanghai, whence he is to return shortly.

The negotiations for a trading-post for overland trade between Russia (Siberia) and Corea, treated of in my dispatch No. 238, have been postponed to a later date.

On the 16th instant a flagstaff was raised on the site of the Russian legation, and a dinner given at the foreign office to celebrate the exchange of the treaties.

* * * * *

I am, &c.,

GEORGE C. FOULK,
Ensign, U. S. Navy, Chargé d'Affaires ad interim.

CORRESPONDENCE WITH THE LEGATION OF DENMARK
AT WASHINGTON.

No. 256.

*Mr. de Lövenörn to Mr. Bayard.*ROYAL DANISH LEGATION,
New London, Conn., August 27, 1885. (Received August 31.)

MR. SECRETARY OF STATE: The attention of the Danish Government has been called to the fact that, under the provisions of section 14 of the act of June 26, 1884, a duty of 6 cents per ton at each entry, not to exceed in the aggregate 30 cents per ton per annum, is imposed upon vessels entered in the United States from Danish ports, whereas vessels entered from foreign ports or places in North America, Central America, the West India Islands, the Bermuda Islands, the Sandwich Islands, or Newfoundland, are liable only to the payment of a duty of 3 cents per ton at each entry, not to exceed 15 cents per ton in any one year.

In Article I of the treaty concluded between Denmark and the United States April 26, 1826, the contracting parties engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession were freely made, or on allowing the same compensation, if the concession were conditional.

My Government being of opinion that, by virtue of the said article, Danish vessels entered in the United States from ports in Denmark, are justly entitled to enjoy the same privilege which has been granted by section 14 of the act of June 26, 1884, to vessels entered from ports in the countries therein enumerated, I have been instructed to make the request that the tax on such Danish vessels shall be collected, at their entrance in ports of the United States, at the rate of 3 cents per ton at each entry, not exceeding 15 cents per ton per annum, instead of, as heretofore, at the rate of 6 cents per ton, or 30 cents per ton per annum.

Section 14 of the above-named act further provides—

That the President of the United States shall suspend the collection of so much of the duty herein imposed on vessels entered from any port in the Dominion of Canada, Newfoundland, the Bahama Islands, the West India Islands, Mexico, and Central America down to and including Aspinwall and Panama, as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed on American vessels by the government of the foreign country in which such port is situated.

By a proclamation of January 31 last, the President, by virtue of the authority thus vested in him, has suspended the collection of the tax of 3 cents per ton as regards vessels arriving from certain ports in the Dominion of Canada, in the United States of Colombia, and others.

The Danish Government holds that, by virtue of Article I of the treaty of 1826, the conditional benefits granted, under the joint operation of the second part of section 14 of the act of 1884, and the said proclamation of the President, likewise inure to the advantage of Danish vessels entered from their national ports, so that if satisfactory proof be furnished that no tonnage and light-house dues or other equivalent taxes are collected from American vessels in Danish ports, or that less than 3 cents per ton are paid by such vessels, the collection of these

taxes from Danish vessels in American ports should be either entirely suspended or proportionately reduced.

Not being prepared, however, to furnish such proof as yet, my Government, in directing me to make this statement, wishes to reserve this part of the question for a further communication, limiting itself, for the present, to the request I have had the honor to submit to you above with regard to the reduction of the rate of tonnage tax from 6 cents to 3 cents per ton.

I avail, &c.,

P. LÖVENÖRN.

No. 257.

Mr. Bayard to Mr. Lövenörn.

DEPARTMENT OF STATE,
Washington, November 7, 1885.

SIR: I had the honor to receive in due season your note of August 27 last, touching the application of the provisions of the 14th section of the shipping act, approved June 26, 1884, in respect of the collection of tonnage tax, to vessels of Denmark coming from ports of that country to ports of the United States, under the most favored nation clause of the existing treaty of 1826 between the United States and Denmark.

The importance of the questions involved in the claim of the Danish Government, and in like claims preferred by other Governments, has led to the submission of the entire subject to the judgment of the Attorney-General.

The conclusions of the Department of Justice, after a careful examination of the premises, are that—

The discrimination as to tonnage duty in favor of vessels sailing from the regions mentioned in the act, and entered in our ports, is, I think, purely geographical in character, inuring to the advantage of *any* vessel of *any* power that may choose to fetch and carry between this country and any port embraced by the fourteenth section of the act. I see no warrant, therefore, to claim that there is anything in the most favored nation clause of the treaty between this country and the powers mentioned that entitles them to have the privileges of the fourteenth section extended to their vessels sailing to this country from ports outside of the limitation of the act.

These conclusions are accepted by the President, and I have accordingly the honor to communicate them to you as fully covering the points indicated in your note of August 27 last.

Accept, &c.,

T. F. BAYARD.

FRANCE.

No. 258.

Mr. Morton to Mr. Bayard.

No. 737.]

LEGATION OF THE UNITED STATES,
Paris, March 25, 1885. (Received April 10.)

SIR: I have the honor to send herewith two copies of the French Yellow Book on Chinese affairs, which was laid before the Chambers. It contains diplomatic correspondence of a highly interesting character with reference to a disputed point of international law, namely, whether rice, which is used as a breadstuff by the Chinese, can be considered as contraband of war.

It was only on the 20th of February last that the French Government resolved to take the important step of notifying the foreign powers that hereafter rice shipped in neutral bottoms to certain Chinese ports would be treated by her as contraband of war. This rigorous measure was resorted to, Mr. Ferry explains, because of a decided change in the attitude of the British Government. Up to January 23 that Government had not considered the French and the Chinese in a state of belligerence, as defined by international law, and therefore the foreign enlistment act was not applicable to either. But on the date named the British cabinet resolved that hereafter this act should be enforced; this obliged the French to declare themselves belligerents, which was done by a circular dated January 24, followed shortly after by the declaration making rice contraband of war.

The political and legal grounds for taking such an important and grave measure are fully discussed in the documents published in the Yellow Book. Mr. Ferry quotes the authors which have written on the subject; states the principles governing the case, as he understands it, recalls many precedents, amongst which he does not omit the one furnished by Great Britain and the United States at the end of the last century, and shows that the position now assumed by France is supported by English precedents as well as by English statesmen and writers. The aim of his argument is to establish that there are two kinds of contraband of war, one which is made so by the very nature of the articles themselves, such as arms and ammunition; the other, which derives its contraband character from the destination of the articles and the circumstances of the case, such as coal and provisions.

There is no fixed rule for the classification of the articles belonging to this class. Each belligerent must be left to determine for itself the articles which it considers as contraband; but in so doing it is expected that it will affix this character only to the articles which can be used by the enemy for its defense, or of which the privation would bring about its submission. It is undeniable that Mr. Ferry makes a strong case, particularly when he reminds the neutral Governments that it would have been lawful for France to blockade the Chinese ports where she desires to prevent the importation of rice, which course would be much more damaging to the commerce of the world at large than the one he has adopted.

You will see, nevertheless, that the British Government has objected to the course taken by France, and that Denmark and Sweden and Norway have likewise protested. Germany, Austria, Spain, Portugal, and Holland have quietly acquiesced in the measure.

The present state of the matter seems to be as follows, the French Government has stated that the legality of the seizures of rice made by its cruisers will be submitted for final decision to the French prize courts sitting at Paris, and the British Government has tacitly accepted this concession with the understanding, however, that the decisions of these courts may become the subject of ulterior diplomatic action.

I inclose herewith a copy of Lord Granville's note to Mr. Waddington, of February 27, 1885, stating his objection to the action of the French Government, and a translation of Jules Ferry's replies to these objections, dated March 7 and March 13.

I have, &c.,

LEVI P. MORTON.

[Inclosure 1 in No. 737.]

*Lord Granville to Mr. Waddington.*FOREIGN OFFICE, *London, February 27, 1885.*

I have the honor to acknowledge the receipt of your excellency's notes of the 20th and 24th instant, in the former of which you announce that, in view of the conditions under which war with China is now being carried on, it is the intention of the Government of the French Republic to treat rice generally as contraband of war, and in the latter that only those cargoes of rice which are destined for Chinese ports to the north of Canton will be so treated, but that those having destination for Canton and the southern Chinese ports will be allowed to pass freely.

I regret to have to inform you that Her Majesty's Government feel compelled to take exception to the proposed measure, as they cannot admit that, consistently with the law and practice of nations and with the rights of neutrals, provisions in general can be treated as contraband of war.

Her Majesty's Government do not contest that under particular circumstances provisions may acquire that character, as, for instance, if they should be consigned directly to the fleet of a belligerent or to a port where such fleet may be lying, and that facts should exist raising the presumption that they were about to be employed in victualing the fleet of the enemy.

In such case it is not denied that the belligerent would be entitled to seize the provisions as contraband of war, on the ground that they would enable warlike operations to be carried on. But Her Majesty's Government cannot admit that if such provisions were consigned to the port of a belligerent (even though it should be a port of naval equipment), they could, therefore, be necessarily regarded contraband of war.

In the view of Her Majesty's Government the first appears to be whether there are circumstances relative to any particular cargo, or its destination, to displace the presumption that articles of this kind are intended for the ordinary use of life, and to show *prima facie*, at all events, that they are destined for military use. No such qualification, however, is contained in the announcement made by your excellency in respect of the destination of the rice, or of the purposes to which it is intended to be applied.

I have, therefore, the honor to state to your excellency that Her Majesty's Government cannot assent to the right of the Government of the French Republic to declare rice generally to be contraband of war if carried to any port north of Canton.

I beg to add that Her Majesty's Government could not, under any circumstances, acquiesce in that portion of your excellency's note in which it is stated that the notification in question will take effect from the 26th instant, as many vessels laden with rice may have already commenced their voyage.

GRANVILLE.

[Inclosure 2 in No. 737.—Translation.]

*Mr. Ferry to Mr. Waddington.*MINISTRY OF FOREIGN AFFAIRS,
Paris, March 7, 1885.

You were good enough, on the 28th of February, to transmit to me a copy of the reply of the English Government to the notification which you were instructed to present to it, of our intention to consider rice as an article of contraband of war in our present conflict with China.

In this reply the chief of the foreign office does not contest that, in addition to articles which by their nature constitute contraband of war, there may be others, as food and provisions, to which in exceptional cases the same qualifications may be extended in consequence of their destination and of their utility to the belligerents. Lord Granville is of opinion, however, that such an extension can only be admitted in special cases, determined by particular circumstances, of which he is careful to indicate the nature, and cannot be declared in a general manner.

The doctrine which, in addition to the contraband of war by nature, admits the contraband of war by destination, has been professed by England for a long time past. Thus, the attorney-general, at the sitting of the House of Commons on the 30th of March, 1854, being called upon to speak on this subject, after having acknowledged that the determination of articles of contraband of war was one of the most difficult and complicated questions of international law, expressed himself as follows:

"In general contraband of war may be classed under the two categories following: first, articles which, by their nature, serve directly the purposes of war, as arms and

ammunition; second, articles which are susceptible to serve indirectly the purposes of war in permitting the continuation of hostilities, as *provisions*."

Being obliged by imperious necessity to apply this doctrine we were well founded in thinking that we should not meet with objections as to the principle on the part of the English Government. The only point upon which we are at divergence is the appreciation of the circumstances which would authorize us in classing rice amongst articles of contraband. Even in this respect we had reason to think that no divergence of views would arise between England and ourselves. It seems that, up to the present time, British statesmen themselves have abstained from specifying the circumstances which authorize belligerents to effect the seizure of goods accidentally qualified as contraband of war, as coal, for instance.

Such was especially the attitude of Mr. Gladstone at the sitting of the House of Commons on the 22d July, 1870, when he was led to quote in support of his opinion an official letter of Lord Malmesbury, dated the 18th of May, 1859, and which contained the following passage:

"I should declare that the proclamation of Her Majesty does not specify, and could not in reality specify, what articles are or are not contraband of war, and that the passages relating to the contraband of war have not for object to prevent the exportation of coal or any other article, but simply to caution the subjects of Her Majesty, that if they transport for the use of one of the belligerents articles reputed as contraband of war, and that their property should be seized by one of the belligerents, the Government of Her Majesty will not take upon itself to intervene in their favor against a war capture (*saisie de guerre*) or against its consequences. I should add that the tribunal of captures (court of prizes) of the country which has effected the seizure is competent to judge," &c.

More recently, in the month of May, 1877, Mr. Burke confirmed this view in declaring that articles other than arms and ammunition "which can in certain cases be employed for military operations, have been considered as contraband of war, according to their destination and other circumstances, of which the council of captures is judge."

The particular circumstances under which hostilities against China are being proceeded with, have induced us to take the decision, in consequence of which Lord Granville has thought fit to present reservations. These circumstances, of which we are the best judges, I have not here to recall. I have already had occasion to point out to you that the importation of rice for the alimentation of the Chinese population and army, does not permit us to authorize its transport to the north of China under penalty of depriving ourselves of one of the most powerful measures of coercion at our disposal. We could attain this object without stopping neutral vessels on the high seas, by declaring the blockade of Chinese ports open to foreign commerce; but a measure of this kind would have had for the commerce of neutral parties disastrous consequences, to which we should be repugnant to expose friendly powers.

We have thought that it would be more advantageous for all to allow foreign traders to continue their peaceful commerce in the China seas, with the sole exception of the commerce in rice, and it seems to us that in the state of international right (*droit des gens*) upon the subject, nothing should prohibit us from attaining the double object that we have in view: injure as much as possible the enemy, and as slight as possible neutrals, in declaring that rice shall be treated by us as an article of contraband of war. Moreover, the final decision, conformably to the opinion of Lord Malmesbury and of Mr. Burke, shall belong, if need be, to the council of captures sitting at Paris, which will not fail to take into consideration all the circumstances which may be put forward in favor of the owners of the cargoes seized.

I beg you to have the goodness to make use of the preceding suggestions in replying to the note of Lord Granville of the 27th of February.

JULES FERRY.

[Enclosure 3 in No. 737.—Translation]

Mr. Ferry to Mr. Waddington.

MINISTRY OF FOREIGN AFFAIRS,
Paris, March 13, 1885.

SIR: The indications contained in my letter of the 6th instant, gave us an opportunity of establishing that our resolution to treat rice as contraband of war is only a conformity with the doctrines supported by statesmen of the United Kingdom up to a very recent date. It sets forth at the same time the conclusion that in the present conditions of our conflict with China the determination which we have taken is less prejudicial to neutral commerce than other measures to which we could have legally had recourse.

To these considerations you may add another, which accords with the order of ideas taken as a standpoint by Lord Granville in his communication of the 27th of February. The Government of Her Majesty is of the opinion that to attribute to *provisions* the character of contraband of war, the essential point is to know whether circumstances exist which show that these articles are not only destined for the ordinary uses of life, but that they are intended for a military use.

Taking this point of view even, you will recall that most cargoes of rice exported from the southern Chinese ports towards the north, the very same whose imminent expedition was notified to us by Admiral Courbet a few weeks since, represent the amount of the tax in kind or tribute that the governors of the provinces send every year to the court of Peking.

It is known, besides, that the soldiers of the Chinese imperial armies receive a part of their pay by portions of rice, and that the tribute of the provinces is precisely affected to this use. It may be said, therefore, that the circumstances alluded to in the communication of Lord Granville are thus combined, and that the cargoes of rice forwarded from the southern ports destined for a military use, besides which they can be considered as state property of the enemy and susceptible of capture in consequence. Under these circumstances, at all events, the Government of the Queen will admit that there is no reason why rice should not be treated as contraband of war, and it will have no difficulty in acknowledging that the care of appreciating, according to the circumstances, the legality and the consequences of the seizures which may be effected, belongs exclusively to the council of captures.

JULES FERRY.

No. 259.

Mr. Morton to Mr. Bayard.

No. 774.]

LEGATION OF THE UNITED STATES,
Paris, May 13, 1885. (Received May 26.)

SIR: Although I have not recently communicated with the Department in regard to the prohibition in France of American salted pork, I have not neglected the matter, and have availed myself of every occasion to press the settlement of this question.

As I informed you, a bill is now pending before the Chambers which cancels the prohibitive measures and substitutes a general system of inspection applicable to all countries.

As this law, although not as liberal as I could have desired it, satisfies the French importers of American meats, I have urged its passage, and expressed to both the minister of foreign affairs and the minister of commerce, my earnest desire of being enabled to inform you, before my departure, that the French Government supported it, and would endeavor to secure its passage at an early date.

In reply to these representations, I have received a communication from Mr. de Freycinet, a copy and translation of which are herewith inclosed.

I have, &c.,

LEVI P. MORTON.

[Inclosure in No. 774.—Translation.]

M. de Freycinet's note to Mr. Morton.

PARIS, May 12, 1885.

SIR: You were good enough to express to me the interest that the Government of the United States attached to the prompt removal of the prohibition affecting, upon entry into France, salted meats of American origin, which withdrawal is inscribed in a project of law pending before the French Chambers. At the same time you acquainted me with your desire to be able to take with you, at the termination of your mission, the certitude that this question was settled, at all events in principle.

As you are aware, it was after a formal vote of the Chamber that the preceding cabinet was obliged to withdraw the decree of November 27, 1883, authorizing the introduction into France of American salted meats. The project of law which was afterwards laid before Parliament has for object the opening anew of French territory to the importation of American salted pork; in establishing at the entry a service of inspection. The commission charged with the examination of this project has decided in the same sense. At the present time it is for Parliament to decide, and the Government can only endeavor to hasten a settlement of the question.

I have recommended in a special manner this matter to my colleague, the minister of commerce, whose duty it is to come to an understanding with the reporter of the commission in order that the project may be shortly discussed. A solution must, therefore, soon be arrived at, and I take pleasure, sir, in giving you this assurance, to reply to the desire that you were good enough to express to me.

Receive, &c.,

C. DE FREYCINET.

No. 260.

Mr. Bayard to Mr. McLane.

No. 9.]

DEPARTMENT OF STATE,
Washington, June 1, 1885.

SIR: Mr. Morton's dispatch, No. 774, of the 13th ultimo, concerning the bill pending in the French Parliament to repeal the law which prohibits the importation of American pork and to substitute a general system of inspection applicable to all countries, has been read with interest. The Department hopes to hear soon that the obnoxious prohibition has been canceled, or at least replaced by practical measures which impose no discrimination against imports of this class from this country.

I am, &c.,

T. F. BAYARD.

No. 261.

Mr. McLane to Mr. Bayard.

No. 24.]

LEGATION OF THE UNITED STATES,
Paris, June 16, 1885. (Received June 30.)

SIR: Your dispatch No. 9, acknowledging receipt of Mr. Morton's No. 774, in which he expressed confidence that the French Chamber would soon vote a law repealing the decree prohibiting the importation of American pork, substituting therefor a general system of inspection applicable to all countries, has been received.

I regret to say that I cannot share the confidence expressed by my predecessor. My conversations with the ministers of foreign affairs and other officials have led me to fear that the Chambers now in session will not pass the law in question. Should my impression in this connection prove well founded, I will press the matter upon the French Government after the general elections, which will take place probably in October, with a view to induce an immediate termination of the existing prohibition by decree of the President, rather than to await the slow and uncertain action of the Chambers.

I have, &c.,

ROBERT M. McLANE.

No. 262.

Mr. McLane to Mr. Bayard.

No. 27.]

LEGATION OF THE UNITED STATES,
Paris, June 17, 1885. (Received June 30.)

SIR: At the instance of Mr. Charles Drevet, who claims to be an American citizen, I have the honor to submit for your consideration the following request:

Mr. Drevet was born September 28, 1864, at Paris, where he has been living since. His father, Leon Drevet, a Frenchman, went to the United States in 1852. In 1858 he made his declaration of intention; in February, 1859, he married an American lady, and a year later, 1860, he came back to France. In 1869 he returned to the United States, and the same year (June 3, 1869) he took out his second papers. Shortly after, he resumed his residence in France.

From this statement of facts it appears that Drevet was born in France; that at the time of his birth his father had not yet perfected his naturalization, and that when this act was so perfected, he, Drevet, was not in the United States, where, indeed, he never has been. I may add that father and son have been domiciled here for many years, and that they have not expressed any intention of returning to the United States.

Charles Drevet thinks, however, that he has the right to be considered as an American citizen, and asks to be furnished with the certificate required by French law of December 16, 1874, stating that he is so considered by the United States Government.

This law, a translation of which was forwarded to the Department in Mr. Morton's dispatch No. 332, states substantially that any one born in France, son of a foreigner who himself was born in France, is *French* unless he claims his foreign citizenship in the year he becomes of age, and produces a written certificate or *attestation* from his Government that he has maintained his original nationality. As Mr. Drevet will be of age on September 28, 1885, he must be provided with this certificate or attestation on or before that date; otherwise in virtue of the aforesaid law of 16th December, 1874, he will be liable to all the obligations of French citizenship.

I have, &c.,

ROBERT M. McLANE.

No. 263.

Mr. McLane to Mr. Bayard.

No. 28.]

LEGATION OF THE UNITED STATES,
Paris, June 23, 1885. (Received July 9.)

SIR: With reference to the ceremonies which have taken place at New York upon the arrival at that port and the delivery of the statue of Liberty, I have received from M. de Freycinet an official communication requesting me to express to my Government the thanks of the French Republic for the magnificent and flattering way in which the gift of France has been received.

I inclose herewith a copy and translation of Mr. de Freycinet's note.

I have, &c.,

ROBERT M. McLANE,

24 FOR

[Inclosure in No. 28.—Translation.]

Mr. de Freycinet to Mr. McLane.

MINISTRY OF FOREIGN AFFAIRS,

Paris, June 20, 1885.

SIR: Our consul at New York telegraphs me an account of the imposing ceremony which has just taken place in the United States on the occasion of the delivery of the statue of Liberty. He calls especial attention to the magnificent reception and flattering welcome which Admiral Lacombe and his staff have received from Mr. Whitney, Secretary of the Navy, and Mr. Grace, mayor of New York.

I beg you to be kind enough to transmit to the Federal Government the expression of our gratitude for these marks of sympathy which correspond so well with the sentiments of good feeling and cordiality which unite the two nations.

Accept, &c.,

C. DE FREYCINET.

No. 264.

Mr. McLane to Mr. Bayard.

No. 29.]

LEGATION OF THE UNITED STATES,

Paris, June 24, 1885. (Received July 9.)

SIR: I have the honor to send herewith a copy and a translation of the treaty of Tien-Tsin between France and China, which was laid before the Chambers on the 22d instant. The treaty was signed on the 9th, and ratified shortly after by the Emperor of China. Mr. de Freycinet, in presenting it to the Chamber, said it was desirable that France should ratify it without delay, and asked that proper authority be given to the Government to that effect.

The treaty of Tien-Tsin is not ostensibly a treaty of peace, for the fiction that China and France have not been at war is respected in this instrument, which puts an end to the hostilities existing between the two nations; it is a treaty to improve the friendly and commercial relations existing between the two countries, and in fact it does improve materially these relations by securing to France commercial advantages which compensate for the sacrifices she has made.

China, however, does not acknowledge in words the protectorate of France over Annam, but she engages to respect all the treaties or arrangements made *or to be made* by France with Annam, and as the treaty of Hué establishes the French protectorate in the broadest terms, and stipulates that the diplomatic relations of that court will be conducted through the intermediary of France, her protectorate over Annam is as fully recognized by China as it can be.

Commissioners are to be appointed to determine the frontier line of the two countries, and when this frontier has been so determined no one will be allowed to pass from Tonquin to China without a French passport. This clause, coupled with another article providing that the rates of duties levied on all merchandise carried from Tonquin to the two provinces of Yunnan and Kuang-si, or from these provinces to Tonquin, will be less than the duty paid at the Chinese ports open to foreigners, practically places the whole of this region under the control of France.

In addition to the advantages thus assured to France, China agrees that when she builds railroads she will apply to French manufacturers and mechanics, and the French Government is to afford her every possible facility for the engagement of railway engineers. Although it is stated that this clause is not to be considered in the light of an exclu-

sive privilege for France, it is plain that France will have special opportunities to turn it to her advantage, and as it is reported that the two Governments have in view the construction of a line connecting Canton with Hanoi, nearly one thousand miles, some hundreds of millions may thereby be expended in France.

In short, although the indemnity formerly so persistently claimed by France is now waived by her, she obtains by the treaty of Tien-Tsin full and undisputed possession of the whole of Tonquin, and exclusive privileges of trading which open to her commerce and industry the southwestern markets of one of the largest Empires of the world.

I have, &c.,

ROBERT M. McLANE.

[Inclosure in No. 29.—Translation.]

Treaty of peace, &c., concluded between France and China, June 9, 1885, at Tien-Tsin.

The President of the French Republic and his Majesty the Emperor of China, both animated by an equal desire of putting an end to the difficulties to which their simultaneous intervention in the affairs of Annam have given rise, and wishing to restore and improve the old relations of friendship and commerce existing between France and China, have resolved to conclude a fresh treaty corresponding to the commercial interests of the two nations, taking as a basis the convention signed at Tien-Tsin on the 11th of June, 1884, and ratified by imperial decree on the 10th of April, 1885.

For this purpose the two high contracting parties have appointed as their plenipotentiaries the President of the French Republic, M. Jules Patenôtre, plenipotentiary of France in China, officer of the Legion of Honor, Grand Cross of the Order of the Pole Star of Sweden, &c.; and his Majesty the Emperor of China, Li Hung-Chang, imperial commissioner, first grand secretary of state, honorary grand tutor of the heir presumptive, overseer of the commerce of the northern ports, governor-general of the province of Tcheli, belonging to the first degree of the third rank of the nobility, with the title of Son-gi; assisted by Si-Tchen, imperial commissioner, member of the council of foreign affairs, president of the ministry of justice, administrator of the treasury at the ministry of finance, director of schools for the education of hereditary officers of the left wing of the Tartar guard at Peking, commander-in-chief of the Chinese contingent of the embroidered left banner; and by Teng-Tcheng-Sieon, imperial commissioner, member of the council of state ceremonial; who, after having exchanged their full powers, which they recognized to be in due and proper form, have agreed to the following articles:

ARTICLE 1. France undertakes to restore and maintain order in the provinces of Annam bordering on the Chinese Empire. For this purpose she will take the necessary measures for dispersing or expelling the bands of freebooters and adventurers who compromise public tranquillity, and for preventing them from forming again. The French troops, however, shall not in any case cross the frontier separating Tonquin from China—a frontier which France engages to respect and to guarantee against any aggression. China on her part undertakes to disperse or expel the bands which may take refuge in her provinces bordering on Tonquin, and to disperse those which may seek to form on her territory in order to introduce troubles among the populations placed under the protection of France; and in consideration of the guarantees given her as regards the security of her frontier she equally debarb herself from sending troops into Tonquin. The high contracting parties will settle by a special convention the conditions on which the extradition of malefactors between China and Annam shall be effected. Chinese colonists, or old soldiers, living peaceably in Annam and devoting themselves to agriculture, industry, or commerce, and whose conduct shall be open to no reproach, shall enjoy the same security for person and property as persons protected by France.

ART. 2. China, resolved on doing nothing which can jeopardize the work of pacification entered upon by France, undertakes to respect, in the present and the future, the treaties and conventions directly concluded, or to be concluded, between France and Annam. As regards the relations between China and Annam, it is understood that they shall be of a nature not infringing the dignity of the Chinese Empire, and not giving rise to any violation of the present treaty.

ART. 3. Within six months of the signing of the present treaty, commissioners nominated by the high contracting parties shall repair to the spot for the purpose of in-

specting the frontier between China and Tonquin. They shall, wherever necessary, place stones, designed to make apparent the line of demarkation. In case they cannot agree on the sites of these stones, or on the details of the alterations which there may be ground for making in the existing frontier of Tonquin, in the common interest of the two countries, they shall refer to their respective Governments.

ART. 4. When the frontier shall have been recognized, Frenchmen, or French *protégés*, and foreign inhabitants of Tonquin, wishing to cross it to enter China shall not do so until after previously providing themselves with passports, to be delivered by the Chinese frontier authorities on the application of the French authorities. For Chinese subjects a permit delivered by the Imperial frontier authorities shall be sufficient. Chinese subjects wishing to go from China to Tonquin by land must be furnished with regular passports, to be delivered by the French authorities on the application of the Imperial authorities.

ART. 5. Import and export trade shall be permitted to French merchants or French *protégés* and to Chinese merchants on the frontier between China and Tonquin. It shall, however, be conducted through certain points which shall be subsequently fixed, and of which the number, as well as the selection, shall depend on the direction and the importance of the traffic between the two countries. In this respect the regulations in force in the interior of China shall be kept in view. In all circumstances, two of these points shall be specified on the Chinese frontier—one above Lao-Kai, the other beyond Lang-Son. The French merchants may settle there under the same conditions and with the same advantages as in the ports open to foreign commerce. The Government of His Majesty the Emperor of China shall establish custom-houses there, and the Government of the Republic may support there consuls whose privileges and attributes will be identical with those of the agents of the same class in the open ports. On his side, the Emperor of China may, in agreement with the French Government, name consuls in the principal towns of Tonquin.

ART. 6. A special table, annexed to the present treaty, shall set forth the conditions under which trade shall be carried on overland between Tonquin and the Chinese provinces of Yunnan, Kuang-si, and Canton. This regulation shall be worked out by commissioners, who shall be named by the high contracting parties in the course of three months after the signing of the present treaty. Merchandise forming the object of this commerce shall be subject, on entering and on leaving Tonquin and the provinces of Yunnan and Kuang-si, to duties lower than those set forth in the present tariff of foreign commerce. The reduced tariff, however, shall not be applied to the merchandise conveyed over the land frontier between Tonquin and Canton, and shall have no effect in the ports already open under the treaties. The trade in arms, engines, stores, and munitions of war of all kinds shall be subjected to the laws and regulations enforced by each of the contracting states within its territory. The exportation and importation of opium shall be controlled by special arrangements, which shall also appear in the commercial regulations mentioned. The commerce by sea between China and Annam shall also be the subject of a special regulation. Provisionally there shall be no innovation on the existing practice.

ART. 7. With the view of developing, under the most advantageous conditions, the commercial relations and the neighborliness which it is the object of the present treaty to re-establish between France and China, the Government of the Republic shall construct roads in Tonquin, and shall encourage there the construction of railways. When, on her side, China shall have decided to construct railways, it is understood that she shall make application to French industry and to the Government of the Republic, which will give her all possible facilities to procure in France such persons as she will require. It is also understood that this clause cannot be considered to constitute an exclusive privilege in favor of France.

ART. 8. The commercial stipulations of the present treaty and the regulations to be added may be revised after an interval of ten years from the day of the exchange of the ratifications of the present treaty. But in case six months before this term neither the one nor the other of the high contracting parties shall have manifested a desire to proceed to the revision, the commercial stipulations shall remain in force for a new term of ten years, and thus subsequently.

ART. 9. As soon as the present treaty has been signed, the French forces shall receive the order to retire from Kelung and to abandon the right of search on the high seas. Within one month after the signing of the present treaty the island of Formosa and the Pescadores shall be entirely evacuated.

ART. 10. The provisions of the former treaties, agreements, and conventions between France and China, not modified by the present treaty, remain in full force. The present treaty shall be at once ratified by His Majesty the Emperor of China, and, after it has been ratified by the President of the French Republic, the exchange of the ratifications shall be made at Peking after the shortest possible delay.

Executed at Tien-Tsin, June 9, 1885.

No. 265.

Mr. Bayard to Mr. McLane.

No. 18.]

DEPARTMENT OF STATE,
Washington, July 2, 1885.

SIR: With reference to your dispatch, No. 27, of the 17th ultimo, in relation to the case of Mr. Charles Drevet, I have to inform you that the Department has had the matter under consideration.

It appears from your communication that Mr. Charles Drevet was born September 28, 1864, at Paris, in which city he has ever since resided. His father, Leon Drevet, a Frenchman, came to the United States in 1852. In July, 1858, he made his declaration of intention; in February, 1859, he married an American lady; in 1860 he went back to France; in 1869 he returned to America; in the same year (June 3, 1869) he took out his second papers, and shortly after resumed his residence in France, where he has ever since remained. The son has always lived in France; the father has been domiciled there for many years; neither the son nor the father has expressed any intention of residing in this country at any time in the future.

Under these circumstances Mr. Charles Drevet has asked your legation to furnish him with a certificate required by the French law of December 16, 1874, to the effect that he is considered by this Government to be an American citizen.

The Department holds, under section 2172 of the Revised Statutes, that as Mr. Charles Drevet was not at the time of the naturalization of his father dwelling in the United States; that as he has never resided in this country, and never intends to do so, he cannot be considered to be an American citizen. You will, therefore, decline to issue a passport to him as such, that being the only attestation of nationality which could have been granted by your legation in case the facts should have shown him to be an American citizen.

I am, &c.,

T. F. BAYARD.

No. 266.

Mr. McLane to Mr. Bayard.

No. 36.]

LEGATION OF THE UNITED STATES,
Paris, July 3, 1885. (Received July 16.)

SIR: Referring to my dispatch No. 24, under date of June 16, 1885, I have to report a conversation with the minister of commerce, Mr. Legrand, and the chairman, Mr. Lalande, of the committee of the Chamber of Deputies, to whom was referred the bill repealing the decree prohibiting the importation of American pork.

The minister of commerce, although acknowledging that no exception on the score of health could be taken to this importation, thought that the short time left for legislation rendered the passage of the bill very doubtful. He admitted, further, that the price of American pork being lower than that of either England or Germany, excited the fear of competition in the minds of the agricultural population in France, under whose influence the duties upon all meats have been greatly increased.

Mr. Lalande concurred generally in the views expressed by Mr. Le-grand, but he promised to make an earnest effort to call up the bill for consideration by the Chamber of Deputies, and he promised further to see the minister of foreign affairs and the minister of commerce at an early day with the view of securing the support of the Government. This promise he has fully redeemed, and at the council of ministers held yesterday it was understood that the minister of commerce would facilitate to the full extent of his ability the efforts of Mr. Lalande to pass the bill.

I cannot disguise from myself, however, that there is very great opposition on the part of the protectionists in the Chamber to any relaxation of the existing prohibition, although it is not to be supposed that such an invidious distinction as now exists against the importation of American pork can be long maintained.

I have, &c.,

ROBERT M. McLANE.

No. 267.

Mr. Bayard to Mr. McLane.

No. 20.]

DEPARTMENT OF STATE,

Washington, July 9, 1885.

SIR: With reference to your dispatch, No. 24, of the 16th ultimo, in which you state that you do not share the confidence expressed by your predecessor in his No. 770, as to the probability of favorable action by the French Government in the matter of repealing the decree prohibiting the importation of American pork, the Department has learned with regret that Mr. Morton's predictions are not likely to be borne out by the events. You will, of course, continue to bear this important subject in view.

I am, &c.,

T. F. BAYARD.

No. 268.

Mr. Porter to Mr. McLane.

No. 21.]

DEPARTMENT OF STATE,

Washington, July 10, 1885.

SIR: I have to inform you that copies of your dispatch No. 28 of the 23d ultimo, containing a copy of a note addressed to you by Mr. de Freycinet, with reference to the way in which the gift of France was received upon its arrival at New York, have been communicated to the Secretary of the Navy and the mayor of New York.

I am, &c.,

JAS. D. PORTER,
Acting Secretary.

No. 269.

Mr. McLane to Mr. Bayard.

No. 53.]

LEGATION OF THE UNITED STATES,

Paris, August 7, 1885. (Received August 21.)

SIR: Referring to my dispatches Nos. 24 and 36, I have to advise you that the Chambers yesterday closed their session without, as I anticipated, considering the bill providing for the inspection of foreign meats and for the admission of American salted pork. This failure is accounted for by the pressure of other questions. For myself, however, I have to confirm the opinion already expressed to you that the influence of the French protective interests debarred the Government from any sincere effort to accomplish the desired legislation.

After the elections are held, which now engross the attention of all parties, I shall bring this subject to the attention of the Government with the view of securing a repeal of the prohibitive decree, urging upon it its paramount obligation to issue such a decree whenever the fact is apparent that no sanitary consideration calls for its continuance, unless, indeed, the result of these elections should render it expedient to defer the consideration of this question.

I have, &c.,

ROBERT M. McLANE.

No. 270.

Mr. McLane to Mr. Bayard.

[Extract.]

No. 58.]

LEGATION OF THE UNITED STATES,

Paris, August 13, 1885. (Received August 26.)

SIR: Referring to my dispatches Nos. 24, 36, and 53, I had a full conversation yesterday with Mr. de Freycinet in reference to the failure of the Chambers to act upon the bill providing for the inspection of foreign meats and for admission of American meats after such inspection.

I explained to Mr. de Freycinet the view I took of this question, considering the original prohibition as due to sanitary considerations exclusively, and, therefore, when these sanitary considerations no longer existed, it was manifestly the duty of the Government to repeal the decree, leaving American meats to be imported subject only to the same duties and inspection as were provided by existing laws for all foreign meats.

Mr. de Freycinet did not contest the soundness and equity of this view of the subject, but he referred to the fact that when the French Government proposed to act upon this view the Chambers interposed objections, and it was then generally conceded that the prohibitory decree could not be repealed until a more satisfactory provision could be enacted for the inspection of imported meats. The present minister of commerce, with whom I have had full conference, entertains this view of the subject, and would not now consent to sign a decree repealing the prohibition without the enactment of such improved inspection.

Mr. de Freycinet observed that these views of the minister of commerce had been generally accepted by his colleagues in the Govern-

ment, and that he had himself entertained the hope that the inspection law would have been passed before the adjournment of the Chambers.

The minister of commerce is himself an earnest protectionist. He represents in the Chambers a constituency in the north of France, where the agitation against the importation of foreign meats is very great and active.

Mr. Ponyer Quertier, a former minister of finance, and a very influential statesman, is at this time engaged in a series of conferences or discussions in this region, urging upon the agricultural population the expediency and necessity of prohibiting the importation of all foreign meats, especially of American meats, which even at the present rate of duty would undersell all domestic and all other foreign meats.

These considerations have great weight, I think, with the minister of commerce, and indispose him to make concessions in the premises. Therefore it is that while admitting to me that he would make no invidious distinction against the importation of American meats, yet he would not repeal the existing prohibition until he has the necessary legal authority to insure the public health when such importation is permitted from all countries on equal terms.

* * * * *

As stated in my No. 53, of the 7th instant, I will, after the elections are held, consider the expediency of renewing the discussion of this question, but it is not likely it can be renewed with any advantage before the new Chambers have met, and have fully completed their organization, which cannot be before the end of the month of October.

I have, &c.

ROBERT M. McLANE.

No. 271.

Mr. Bayard to Mr. McLane.

No. 35.]

DEPARTMENT OF STATE,
Washington, August 31, 1885.

SIR: Your dispatch No. 58, of the 13th instant, giving an account of your interviews with Mr. de Freycinet and the French minister of commerce, concerning the decree prohibiting the importation of American pork, has been read with regret, in view of the prejudicial effect upon public opinion in this country of any announced or evident policy on the part of foreign countries, and especially a friendly power like France, to maintain a prohibition not warrantable by the only considerations to which they appeal for justification.

I am, &c.,

T. F. BAYARD.

No. 272.

Mr. Bayard to Mr. McLane.

No. 37.]

DEPARTMENT OF STATE,
Washington, September 1, 1885.

SIR: I transmit to you herewith, for your information, a copy of a letter addressed to this Department by Mr. John H. Flagg, as attorney for various American exporters of petroleum, alleging that the Government

of France makes discriminations in favor of Russian exporters of the same article, by admitting into France petroleum distillates from Russia of 820° specific, equal to 41 to 42 gravity, at the same duty as is imposed in France on American crude petroleum, viz, 14½ francs per 100 kilograms.

I will thank you to call this matter to the attention of the French foreign office, with a request that the facts may be inquired into with a view to the discontinuance of any unjust discriminations which may be found to exist against American exporters of petroleum.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 37.]

Mr. Flagg to Mr. Bayard.

NEW YORK, August 28, 1885.

SIR: Touching the question of recent importations into France of petroleum distillates from Russia, under the false classification of "crude petroleum" (referred to in our personal interview on Thursday last at the Department), and your request that I submit in writing the facts in the case, as reported, to exporters of American petroleum in this city, I have the honor to state that recent importations of such Russian distillates have been admitted into France (of 820° specific, equal to 41 to 42 gravity) at the same duty as is imposed in France on American crude petroleum, viz, 14½ francs per 100 kilos, and that the same is now being worked by the French refiners at Marseilles, Cette, Dunkirk, and other points.

The flagrant injustice which is thus being done to the exporters of American crude petroleum into France (in which country the rate of duty on refined petroleum is virtually prohibitory), not to mention the manifest frauds upon the revenues of the latter country, would seem to warrant a vigorous protest on the part of the Government of the United States against further evasion of the law by the Russian dealers, which I trust you will see your way clear to assert without unnecessary delay.

I have, &c.,

JOHN H. FLAGG,
*Attorney for American Petroleum Export Association,
Standard Oil Company, and others.*

No. 273.

Mr. McLane to Mr. Bayard.

No. 73.]

LEGATION OF THE UNITED STATES,
Paris, September 25, 1885. (Received October 9.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 35, under date of August 31, 1885, in reply to my No. 58, of August 13.

Although I have not modified the opinion expressed in that dispatch as to the intention of the French Government, I have thought it judicious, in pursuance of the intimation given in my No. 53, of August 7, to submit to the consideration of this Government a résumé of the entire discussion of this question since the original decree of prohibition, concluding with the renewed statement of my own opinion that the failure of the Chambers to act upon the bill providing for the inspection of foreign meats, and for the admission of American meats after such inspection, imposed upon the Executive of this Government the duty of repealing the original prohibitory decree, no longer warrantable, as you well express it, by the only considerations to which it appeals for justification.

I handed this résumé to the minister of foreign affairs in person two days ago, advising him that you regretted the failure of this Government to remove the invidious distinction against the United States, because of its prejudicial effect upon public opinion there, and I added a very strong expression of my own conviction that this failure on their part would not only alienate to some extent the friendly feeling now existing between the two countries, but would excite the disposition to retaliatory legislation against the importation of French products.

Mr. de Freycinet did not concede the point that the adjournment of the Chambers relieved the Executive from its obligation to defer action until the passage of a law providing a satisfactory system of inspection, as he insisted that the legislature, as a body, never ceased to exist, and could in no sense be said to have expired, since the pending legislation could be continued by the new Chamber from the point at which it was left by the one which had adjourned in August. Nevertheless, upon all the other points involved, he seemed disposed to concede the reasonableness of our contention.

I determined to present this résumé of the question at this time because the new Chamber, though meeting in November, will not engage itself in matters of current legislation until January, when the powers of its members shall have been verified and the new President of the Republic shall have been elected.

I thought it desirable in this manner to exhaust the discussion, as far as the present Government of this country was concerned, so that the President of the United States might be able, in December, in his communication to Congress, to report, if he deemed it expedient, the actual relation of the two Governments to this question.

I have had some further conversation with Mr. de Freycinet this morning, and while he declines to give any information as to the final determination of the Government, he promises to bring the matter to the special attention of the minister of commerce, and make it a subject of special consideration by the council of ministers; and in making this statement he dwelt upon the embarrassment he felt at taking any decision in the premises which conflicted with the deference due from the Executive to the legislature, having in view the request of the latter to await the passage of a law for the efficient inspection of all imported meats.

Herewith inclosed I send a copy of my note to Mr. de Freycinet, presenting a résumé of this question, for which I am indebted to Mr. Vignaud, who was present with my predecessors in all their conferences with the ministers of foreign affairs of this Government, and who analyzed with care the debates both in the Chamber and in the Senate upon the bill for the efficient inspection of all imported meats.

I have, &c.,

ROBERT M. McLANE.

[Inclosure in No. 73.]

Mr. McLane to Mr. De Freycinet.

LEGATION OF THE UNITED STATES,
Paris, September 23, 1885.

SIR: On the 18th of February, 1881, the French Government, acting upon the alleged discovery of trichinæ in America, prohibited all pork imported from the United States. This step on the part of France was followed by several other states of Europe, which based their action upon the same motive. A great American industry, giving a pros-

perous export trade, was thus denounced to the world as a source of danger to public health. Considering that in the United States, in Great Britain, and in Belgium there were millions consuming American pork without any danger to life or to health, my Government, through General Noyes, who was then United States minister at Paris, protested against the prohibition, and urged a reconsideration of the subject. (General Noyes to M. Barthelemy St. Hilaire, February 22, 1881.)

In the mean time my Government, although satisfied that the action of France was unwise and injurious, proceeded to investigate the matter. It did so thoroughly, and the result appeared perfectly satisfactory. Not only were the alleged ravages of trichinæ disproved, but it was shown that unusual precautions had been taken to insure that none but the healthiest animals should be slaughtered for packing, and that, although trichinæ had been detected in sundry cases, it was very far from being as widespread as in other countries, and that the American process of packing and curing secured to the consumers of American pork a much greater immunity from trichinosis than that enjoyed by consumers of European pork.

The facts thus elicited constrained my Government to represent to yours that the decree prohibiting the importation of pork from the United States was unwarranted, and that the United States Government deemed itself rightfully entitled to a prompt and effectual modification of the prohibitory action of France. (General Noyes to M. B. St. Hilaire, June 22, 1881.)

In March, 1882, the Chamber of Deputies passed a bill repealing the prohibitory decree and providing for a liberal system of inspection.

At this time it was well established in France that trichinæ which may be found in American pork is absolutely inoffensive, the salt killing the animalculæ, or reducing it to such a state that the slightest cooking destroyed it. French scientists of the highest grade and reputation admitted the fact, the minister of commerce, Mr. Tirard, was reconciled to the repeal of the decree of prohibition, and the Academy of Medicine, as well as the board of health, so advised the Government.

The Senate nevertheless rejected the bill, but its action was well understood to be based not upon any doubt as to the innocuousness of American pork, but simply upon the ground that the Government could reverse the decree of prohibition by an executive decree without any legislation to that effect.

In March, 1883, Mr. Morton reopened the subject with Mr. Challemel Lacour, who was then minister of foreign affairs. He reminded him that the decree prohibiting American salted meats had now been in force for more than two years, while similar products from other countries were freely admitted; that there could be no valid reason why this exceptional measure should be applicable to the United States. He expressed the hope that the French Government after considering all the evidence before it, would place the United States upon the same footing as all other friendly nations by revoking the obnoxious decree.

This earnest request not being noticed by Mr. Challemel Lacour, on the 20th of October, 1883, it was renewed in emphatic terms. On November 15, 1883, Mr. Morton received from Mr. Jules Ferry the positive assurance that the French Government was animated with a strong desire to give this question a most liberal solution and at the earliest possible moment.

Two weeks after, November 27, 1883, a decree was issued revoking the prohibitory one of February, 1881, no condition being attached to the revocation. The minister of commerce, in a circular to the prefects, simply stated that the committee of public hygiene had ascertained both scientifically and experimentally that pork loses all danger of infection by trichinosis if it is salted with care, and that the only thing that the authorities had to do was to be sure that the imported pork put on the market was fully cured.

This matured action was not well received in the Chamber of Deputies, and on the 22d of December, 1883, after a long debate, it passed a resolution expressing the wish that the admission of American pork be delayed until the adoption of a bill providing for a system of inspection of all foreign meats. In consequence of this resolution a new decree December 28 suspended the application of the one canceling the original measure of prohibition.

In June, 1884, the law referred to was introduced in the Chamber, but many months having passed without its being called up, Mr. Morton again pressed the matter, and both your excellency and Mr. Legrand gave him the assurance that it would shortly be discussed, and that a solution would soon be arrived at. Under date of May 12, your excellency confirmed in writing these assurances to Mr. Morton, all of which he duly communicated to his Government. The Chamber, however, adjourned without any change having taken place in the measures so unwarrantably adopted four years ago.

I respectfully, but earnestly, submit that this discrimination against an important branch of the trade of a friendly nation is, under the circumstances, absolutely unjustifiable, and that it cannot be maintained without alienating in some degree the good understanding which has so long existed between France and the United States.

I do not in the least contest the right of the French Government to close its ports to an unwholesome product, or to shut its markets to all foreign products of a certain kind; nor do I deny its legitimate right to levy upon such products any duty it may think proper; but the case here is quite different. It is no longer contended that American pork is unhealthy, yet the existing prohibition applies only to it.

I take the liberty therefore of urging the propriety of settling this long-pending difficulty by the same mode which created it—a decree of the Executive rescinding the one establishing the prohibition.

I can understand well that your Government hesitated to take such a step in presence of a resolution of the Chamber requesting delay until the passage of a proposed bill applicable to the case, but the Chamber which made this request failed to pass this bill, and as its powers have expired it can never do so.

I avail, &c.,

ROBERT M. McLANE.

No. 274.

Mr. Bayard to Mr. McLane.

No. 48.]

DEPARTMENT OF STATE,
Washington, October 17, 1885.

SIR: Your dispatch No. 73 of the 28th ultimo, reporting your action in making application to the foreign office for an order canceling the prohibition of the importation of American pork into France, has been received and read with interest and satisfaction.

Your presentation of the subject as contained in your note of the 23d of September to Mr. de Freycinet is approved. All the points appear to be well taken, except possibly the suggestion that as the legislature which adopted the resolution requesting the Executive to delay its repeal until a law providing inspection should pass had adjourned without enacting such a law the force of the law was exhausted.

If, as Mr. de Freycinet states, the life of the Chamber of Deputies is, like that of our Senate, continuous, and a pending measure can be taken up in any session at the point where it rested on previous adjournment, this argument may lose some of its force. As to this we cannot undertake to say how far the French legislative rule differs from our own, but without founding argument on the technical strength of this point (which would undoubtedly apply in the case of the Congress of the United States) even stronger equitable considerations present themselves.

A resolution of this character is advisory merely; it has not the continuing force of legislation. A reasonable limit is to be assigned to the duration of its effects and they should not outlive the legislature, which so distinctly announced its intention to provide an alternative remedy and failed to do so.

The important interests of two peoples should not be indefinitely denied consideration because of inaction in such a case, and it may be justly contended that the Executive is fully warranted in resuming all the control of the matter it had before the conditional request of the legislature was made, in which case the power of the Executive is ample. This view may be presented should an occasion arise for a further discussion of the subject with the foreign office.

I am, &c.,

T. F. BAYARD.

No. 275.

Mr. McLane to Mr. Bayard.

No. 108.]

LEGATION OF THE UNITED STATES,
Paris, November 20, 1885. (Received December 15.)

SIR: Soon after the receipt of your dispatch No. 48, under date October 17, 1885, I had some conversation with Mr. de Freycinet, in which I presented in substance your observations upon my No. 73, of the 25th of September, and my note to Mr. de Freycinet of the 23d of the same month.

This view I had already presented to him as an alternative, when I contended that the adjournment and dissolution of the old Chamber relieved the Executive from all obligation or deference to its opinion as embodied in the resolution it had adopted in opposition to the decree repealing the original decree of prohibition against American salted meat.

He, on his part, persisted in his original opinion that the Executive was not free to take action, but, in reply to the considerations of equity stated in your dispatch and presented by me in conversation, he could only urge that a more perfect system of inspection was necessary before American meat could be imported. Such, at least, he said, in reply to my observations that no such necessity existed, was the opinion of many members of the legislature and a large portion of the French people, and he again disclaimed for the Government any purpose or intention of excluding American meat for any other reason than one connected with the sanitary elements of the question.

He said he had presented the subject to the council of ministers and had embodied the substance of my note to him of the 23d of September in a communication he had addressed to the minister of commerce. He had not yet received a reply from that minister, and did not now expect to receive one, as he had tendered his resignation to the President in consequence of his defeat as a candidate for the Chamber of Deputies at the recent elections.

I naturally expressed regret at this delay in action, whatever might be the cause thereof, reminding Mr. de Freycinet that our Congress would meet on the first Monday in December, and it would be expected of me by that time to give my Government information as to the view the French Government had taken of my note of the 23d of September.

He said he would bring the subject to the attention of the new minister of commerce as soon as he was appointed, and he hoped to be in condition to communicate with me before the middle of November.

Not having heard from him on the 16th of November, I addressed him a note. I have received this morning his reply. Copies and translations of these two notes are here inclosed.

Mr. de Freycinet's note presents no new view of the subject, though it dwells upon the sanitary considerations upon which the French Government rely for justification as regards the original decree of prohibition.

I have nothing myself to add to the views I have heretofore communicated to you on this subject, but I feel it my duty to again note the great influence which is exerted upon both the legislature and the Executive by those who represent the agricultural interests of France to raise to a prohibitory point the duty upon foreign meats and cereals, and to repeat my opinion that it is to this influence, rather than to the sanitary considerations involved, that American salted meats are still ex-

cluded from France, from which it necessarily results that much time will be spent in the deliberations of the legislature before final action is taken on this question. Meanwhile, the presidents of the Chambers of Commerce of Bordeaux, Marseilles, and Havre are protesting against the decree of prohibition with energy and effect.

I have, &c.,

ROBERT M. McLANE.

[Inclosure 1 in No. 108.]

Mr. McLane to Mr. de Freycinet.

LEGATION OF THE UNITED STATES,

Paris, November 16, 1885.

Mr. MINISTER: In the conversation which we had together a few days ago in regard to the prohibition of American salted meats, your excellency was kind enough to tell me that you had submitted the question to the council of ministers, as well as to your honorable colleague, the minister of commerce, who had not felt himself authorized to take any decision at the moment he was going to leave the ministry.

Pursuant to the observations which I have submitted to your excellency, I take the liberty of suggesting that in view of the new assembling of the Congress of the United States, it would be an advantage if I could be informed as soon as possible about the decision which will be come to, whether it may be decided, as I hope, to do away with the prohibition by a decree, whether it may be necessary to await still longer legislative action. In both cases, in fact, it is important that my Government may be informed in advance of the intentions of yours. I am persuaded that your excellency will appreciate the manner in which I view the subject.

I seize this opportunity to thank your excellency for the disposition you have shown of terminating in a fair manner this little misunderstanding. I hope we shall not lose your kind services in this good cause.

Please accept, &c.,

ROBERT M. McLANE.

[Inclosure 2 in No. 108.—Translation.]

Mr. de Freycinet to Mr. McLane.

PARIS, November 28, 1885.

SIR: By a letter dated the 16th of this month you have been good enough to express to me your desire of being put in a position to inform your Government as soon as possible of the decision which shall be taken by the Government of the Republic towards regulating, either by a decree or by a law, the rules of entrance into France of American salted meats.

As you know, sir, the decree of the 27th November, 1883, which authorized the importations into France of American salted meats, had to be withdrawn by the preceding cabinet in consequence of a formal vote of the Chamber, which delayed the admission of this product until the adoption of a law establishing a service of inspection over foreign meats. The Government of the Republic was thus placed under the obligation of refraining from regulating the question by decree; but in order to hasten its solution as much as in its power, it hastened to lay before Parliament a bill relating to the service of inspection, the establishment of which had been decided upon in principle by the Chamber. This bill was referred to a committee, which modified it after examination, and then made it the subject of a report favorable to the adoption of the provisions thus remodeled.

Such was the state of the question when the Chamber arrived at the limit of its powers without having been able to bring up for deliberation the propositions of its committee. My colleague, the minister of commerce, has had to consider since then whether it would be proper to lay before the new Chamber the bill which had been submitted to its predecessor or that one which the special committee had substituted for it, and the result of this examination is that it would be preferable to propose to Parliament a more complete combination of provisions on which the consulting committee of public health of France has been now invited to deliberate. There would be reason to fear, in fact, that the bills formerly prepared would not meet with the approval of the Chambers in view of the objections which they raised, and it is desirable that the

bill which shall be presented may be drawn up in such a manner as to prevent, as much as possible, every difficulty, in order that the vote may be obtained with as little delay as possible. The new studies prescribed by Mr. Dautresme have no other aim.

I will be obliged to you, sir, if you will kindly communicate these explanations to the Government of the Union. I beg you to give it at the same time the assurance that the Government of the Republic has decided to proceed immediately to the elaboration of the bill in question, and to demand of the Chamber that it shall be brought up for debate as promptly as possible.

Accept, &c.,

C. DE FREYCINET.

CORRESPONDENCE WITH THE LEGATION OF FRANCE AT WASHINGTON.

No. 276.

Mr. Roustan to Mr. Frelinhuysen.

[Translation.]

LEGATION OF THE FRENCH REPUBLIC

IN THE UNITED STATES,

Washington, February 5, 1885. (Received February 5.)

The undersigned has the honor to communicate to the Secretary of State, by order of his Government, the following information touching the operations of the French squadron in the waters of China.

Heretofore the Government of Her Britannic Majesty, while recognizing that a state of war exists between France and China, had not deemed it due to impose upon the vessels of the belligerents the strict observance of the rules of neutrality. Equally desirous not to aggravate the situation and to make its consequences less onerous to neutrals, the Government of the French Republic had endeavored to confine the action of its naval forces within local limits, and abstained from exercising on the high seas the right of search and capture. Recent orders sent from London to the authorities of the English colonial possessions have modified, to the disadvantage of the French cruisers, this "*modus vivendi*."

The new situation created in their regard by the rigorous application of the rules of neutrality constrains the Government of the Republic to anticipate the hour it would have chosen for asserting the full and entire exercise of the rights which international laws recognize to belligerents. Orders in this sense have just been sent to the commander-in-chief of the French naval forces in the waters of China.

The undersigned is charged with giving notice thereof to the Government of the United States, and informing it, at the same time, of the firm intention of the French Government to scrupulously observe towards neutrals the prescriptions of international law, and especially the declaration of the congress of Paris of April 16, 1856. Nevertheless, express recommendations have been made to the commanders of the French cruisers, to the end that they shall continue to show all regard and moderation compatible with the legitimate interests of neutral commerce, and with the necessity of preventing the importation into China of contraband of war.

The undersigned, &c.,

TH. ROUSTAN.

No. 277.

Mr. Roustan to Mr. Frelinghuysen.

[Translation.]

LEGATION OF THE FRENCH REPUBLIC
IN THE UNITED STATES,*Washington, February 20, 1885. (Received February 20.)*

MR. SECRETARY OF STATE: The president of the council has just informed me that, in view of the conditions under which the war with China is being actually conducted, the Government of the Republic has determined to exercise the right which belongs to it as a belligerent of henceforth considering and treating rice as contraband of war.

I am, consequently, charged with informing you that the commanders of our naval forces have received orders to put this measure in execution from the 26th of February instant. My Government has imposed this delay upon itself in order that it may be possible to communicate the necessary notification to neutral commerce.

Be pleased, &c.,

TH. ROUSTAN.

No. 278.

Mr. Roustan to Mr. Frelinghuysen.

[Translation.]

LEGATION OF THE FRENCH REPUBLIC
IN THE UNITED STATES,*Washington, February 24, 1885. (Received February 24.)*

MR. SECRETARY OF STATE: I had the honor to inform you in my letter of the 20th instant of a decision of my Government relative to shipments of rice destined for the ports of China, this merchandise having to be treated, after the 26th of this month, as contraband of war.

I have just received fresh instructions upon this subject, and I have the honor to announce to you that the Government of the French Republic has recognized the possibility of admitting, in the interest of neutral commerce, a modification of the measure indicated in my letter above mentioned.

Consequently it has been decided that shipments of rice intended for Canton, or the southern Chinese ports, can freely pursue their course after the 26th of February instant; but shipments of rice bound for Chinese ports north of Canton will be declared interdicted and treated as contraband of war.

Be pleased, &c.,

TH. ROUSTAN.

No. 279.

Mr. Roustan to Mr. Bayard.

[Translation.]

LEGATION OF THE FRENCH REPUBLIC
IN THE UNITED STATES,*Washington, July 31, 1885. (Received August 1.)*

MR. SECRETARY OF STATE: By a circular dated 20th August, 1884, the Department of State requested this legation to inform the French

consuls at the ports of the United States of the provisions of the tenth section of the law voted by Congress the 26th June, 1884, under the name of the "shipping act."

The Government of the Republic, to which these provisions were likewise communicated, highly appreciated the humane object of the principal provisions of the shipping act. At the same time certain questions of detail have suggested to the minister of foreign affairs and to the minister of marine of the Republic some considerations which I have been charged to call to the attention of the Department of State.

Section 10 of the shipping act forbids captains of ships, under pain of fine and imprisonment, from giving to the crew of the vessel any kind of advance on their wages at the moment of embarking. It declares, also, illegal the transfer of wages to a third party, though authorizing reservations of part of the pay in favor of the families of sailors; it stipulates, finally, that the different provisions are equally applicable to foreign ships, which would be refused permission to leave any port of the United States if they contravened them.

It appears to the above-mentioned ministers that, on account of the general character of its terms, this provision cannot be reconciled with the stipulations of Article VIII of the Franco-American consular convention. It appears to them, moreover, to infringe the rights of the different nations to determine, according to their own legislation, the duties and obligations of their merchant captains towards their crews on the merchant vessels of their own nation.

The Government of the United States has the incontestable right to forbid American captains in the ports of the Union and foreign countries from making any payment in advance to their crews. But can this right be legally extended to French captains who enlist French sailors in the ports of the United States?

As to what concerns American sailors, Mr. de Freycinet and Admiral Galiber agree in recognizing that the Federal authorities, preserving their jurisdiction over their citizens when they engage themselves in their own ports on foreign vessels, claim, in that case justly, from French captains an observance of the provisions of the shipping act, as far as it relates to American sailors.

The objection then reduces itself, as you see, Mr. Secretary, to the question of the rights of French captains over French sailors, rights concerning which the very general terms of the final provision of section 10 might raise difficulties between the Federal authorities and the consuls. If you share with my Government this manner of looking at the question, you will perhaps consider that a circular from your Department might decide the scope of these general provisions, without infringing the legislative sovereignty of each nation with regard to its subjects.

I should add, in order to completely eliminate the question of humanity, that the French laws and regulations have already protected with efficient guarantees the advances made by captains to the crews during the voyage or at the moment of embarkation. These advances to be recognized as available must have been authorized by a French consul. Finally, as regards the sailors who disembark in foreign countries, the consuls can only give them the half of the sums deposited in their name at the (consular) chancery by the captains, unless this advance exceeds 150 francs, or about \$30. The rest of the amount is transmitted to France and deposited in the Mariners' Deposit Bank, to be remitted to the claimant on his return to his district of enrollment.

I hope, Mr. Secretary of State, that these explanations will be of a nature to convince you that it is possible to harmonize the dictates of humanity in this question with the free exercise of the rights of our respective Governments over their own citizens.

Accept, &c.,

TH. ROUSTAN.

No. 280.

Mr. Bayard to Mr. Roustan.

DEPARTMENT OF STATE,
Washington, August 6, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 31st of July last, in which you call my attention to the alleged conflict between the "shipping act" of June 26, 1884, and the stipulations of Article VIII of the American-French consular convention, concluded February 23, 1853, and expressing the opinion that it is possible to harmonize the dictates of humanity in this question with the free exercise of the rights of the respective Governments over their own citizens.

In reply I beg to inform you that this subject is receiving from this Government the careful consideration which its importance demands.

Accept, &c.,

T. F. BAYARD.

No. 281.

Mr. Bayard to Mr. Roustan.

DEPARTMENT OF STATE,
Washington, August 26, 1885.

SIR: With reference to the reply of this Department of the 6th instant to your note of the 31st ultimo, concerning the alleged conflict between the provisions of section 10 of the act of Congress, approved June 26, 1884, known as the shipping act, and the stipulations of Article VIII of the convention of February 23, 1853, between this country and France, I now have the honor to communicate to you the conclusions arrived at by this Government after the full and careful consideration of the subject demanded by its importance.

In your note, after referring to the provision in section 10 of the shipping act prohibiting the payment of advance wages to seamen, you suggest that this provision cannot be reconciled with the stipulations of Article VIII of the convention of February 23, 1853.

You further suggest that said provision infringes upon the rights of the different nations to determine according to their own legislation the duties and obligations of their merchant captains towards their crews on the merchant vessels of their own nations; and while conceding the right of this Government to forbid American captains in home or foreign ports to make payment of advance wages to their crews, you ask whether such right can legally be extended to French captains who enlist French sailors in the ports of the United States. You view the subject as presenting a question of the right of French captains over French sailors, rights concerning which what you call the very general

terms of the final provision of section 10 of the act might raise difficulties between the Federal authorities and the consuls.

The views expressed in your note are apparently not only based upon a conception not sufficiently broad of the power of this Government to affect by its legislation foreign merchant ships when within its territorial jurisdiction, but also upon a misconception, it is apprehended, of the scope and operation of the statutory provision prohibiting the payment of advance wages to seamen to which you refer.

That provision is from its subject-matter of the nature of a commercial regulation. Commerce, in its simplest signification, means an exchange of goods, but, in the advancement of society, labor, transportation, intelligence, care, and various mediums of exchange, become commodities and enter into commerce; the subject, the vehicle, the agent, and their various operations, become the objects of commercial regulation. (9 Wheaton, 229.) The officers and crew of a merchant vessel are as much the instruments of commerce as the ship. (7 Howard, 408.)

The immediate purpose of the provision of section 10 of the act in question is to protect the interests and promote the welfare of merchant seamen while sojourning at American ports, persons whose occupation is indispensable to maritime commerce, and who are objects of solicitude and care in the codes of all commercial nations. They are characterized as usually a heedless and ignorant but most useful class of men, exposed to constant hardships, perils, and oppression, and in port the ready victims of temptation and fraud (3 Kent Com., 176), as notoriously and proverbially reckless and improvident, and on all accounts requiring protection against themselves (Sh. Minerva, 1 Hagg., 355), as credulous, complying, and easily overreached, and requiring to be treated in reference to their bargains as courts of equity treat young heirs in dealing with their expectancies, wards with their guardians, *cestuis que trusts* with their trustees (Harden vs. Gordon, 2 Mason, 556). Legislation for their security and protection when employed in the merchant service was early adopted by Congress (act of July 20, 1790, chap. 29), and has been enacted from time to time down to the present, containing many wise and wholesome provisions directed to that end. (See Revised Statutes, Title LIII.)

The provision now under consideration deals with the subject of the wages of those seamen *who are hired in American ports*, and those only. It is thereby made unlawful to pay advance wages to the seaman himself before he leaves *the port at which he is engaged*, or to pay the same (*i. e.*, advance wages of such seaman) to any person; and this by the express terms of the statute applies to foreign as well as to American vessels. The power of Congress to regulate the employment or hire of merchant seamen within the ports of the United States cannot be questioned. There is no principle of international law which forbids the application of such legislation to foreign ships.

Marshall, C. J., observes in *The Exchange*, 7 Cr., 136:

The jurisdiction of the nation is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from an external source, would imply a diminution of its sovereignty to the extent of the restriction and an investment of that sovereignty to the same extent in that power which could impose such restriction. All exceptions, therefore, to the full and complete power of a nation within its own territories must be traced up to the consent of the nation itself. They can flow from no other legitimate source.

Hence, a foreign merchant vessel going into the port of a foreign state subjects herself to the laws of that state and is bound to conform to its commercial as well as to its police and other regulations during the

period of her stay there. "She is as much a *subditus temporaneus*," remarks Sir R. Phillimore with reference to such a case, in *The Queen vs. Keyn*, 2 Ex. D., 82, "as the individual who visits the interior of the country for the purposes of pleasure or business."

From this doctrine it follows that in extending the provision adverted to so as to make it applicable to foreign merchant ships within our ports the same as to American vessels, Congress has not assumed to deal with any rights of such ships with which on principles of international law it is not entitled to interfere, nor has it exceeded the proper limits of its jurisdiction, having regard to the rights of other nations. Therefore, unless exempted from the operation of the provision by virtue of some treaty or statute having that effect, no nation has any valid ground to claim for its merchant shipping, in any case or under any circumstances, immunity from observance thereof. Whether the seaman hired or engaged in one of our ports by a foreign ship is or is not of the same nationality as the vessel is wholly immaterial, the language of the provision being general and including (as it may properly do) all merchant seamen who are there hired or engaged by such ship, irrespective of their nationality.

In regard to the supposed conflict between the statutory provision and Article VIII of the convention of February 23, 1853, between this country and France, this Government holds that the subject-matter of the one is entirely distinct from that of the other, and that no collision necessarily arises.

By that said article of the treaty the respective consuls—

Shall have exclusive charge of the *internal order* of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, *between the captain, officers and crew* without exception, particularly in reference to the *adjustment of wages and the execution of contracts*.

The word "execution" is obviously used here in the sense of performance.

This provision accords the consular officer—

(1) A limited *police jurisdiction* over the merchant vessels of his nation, embracing only those acts which relate to the interior discipline of the vessel, and which do not disturb the peace and good order of the port. With respect to that jurisdiction the scope of the provision is precisely determined by the word "internal."

(2) A limited cognizance of civil controversies between the officers and the crews of such vessels, particularly those relating to the performance of contracts of service and the adjustment of wages thereunder.

It seems very plain to this Government that a public law of the port which prohibits the payment of advance wages to seamen, hired at that port, before the vessel sails, does not concern the "internal order" of such vessel in contemplation of the above provision; and it is difficult to see wherein the law could become a subject of "difference" between the officers and crew of the vessel. In hiring a seaman at an American port, the master of a ship can make no valid agreement to pay advance wages before leaving the port, for the reason that such payment is prohibited by the public law of the place. Should he do so, and fail to pay the advance, this might give rise to a "difference" between him and the seaman, but it would be a difference manifestly involving no conflict between the law and the treaty. On the other hand, should the master pay the seaman advance wages, the enforcement of the law against the former could not, in any point of view, be deemed an interference in a "difference" between the two individuals.

This Government holds that the provisions of section 10 of the act of June 26, 1884, are designed to regulate dealings with seamen who are commorant in the ports of the United States and with whom shipping agreements are there entered into. They do not apply to dealings with the seamen under such agreements made elsewhere. Obligations arising out of the latter agreements are unaffected by the statute; the former can give rise to no obligation the performance of which involves an infraction of its provisions.

In brief, the conclusions reached by this Government upon the points presented by your note are as follows:

(1) That the provisions of the act of June 26, 1884, respecting the payment of advance wages, in so far as they apply to foreign shipping, are not in conflict with the stipulations of Article VIII of the convention of February 23, 1853, between this country and France.

(2) That the provisions of said act infringe upon no principles of international law which other nations are entitled to exercise within American ports as regards their merchant vessels.

(3) That therefore those provisions can legally extend to French captains who hire French sailors in American ports, and that in extending, as they do to them, they violate or prejudice no right of such captains in the premises.

Accept, &c.,

T. F. BAYARD.

No. 282.

Mr. Roustan to Mr. Bayard.

[Translation.]

LEGATION OF THE FRENCH REPUBLIC
IN THE UNITED STATES,

Washington, September 5, 1885. (Received September 5.)

MR. SECRETARY OF STATE: The Government of the French Republic, in conformity with the provisions of article 34 of the general act of the Berlin conference, instructs me to inform your Government that Mr. Piattet, representative of the French protectorate at the Grand Popo, acting for the governor of the French colonies of the Gulf of Guinea, with the aid of Mr. Royier, lieutenant in the navy, in command of the cutter *La Mésange*, concluded on the 10th of June, 1885, a treaty with the chiefs of the country of the Ouatchis, which lies on the west coast of Africa, between the lagoon of the Grand Popo and the Kingdom of Dahomey.

A proclamation of the President of the French Republic, dated July 21 last, ratified this treaty, which places under the sovereignty of France the Ouatchis and their whole territory, and by virtue of which foreigners of every nationality who have settled among the Ouatchis will enjoy the benefits of French jurisdiction.

It will also be the right of the Government of the French Republic to settle in the future with foreign powers all questions political, civil, or judicial which may arise in that country.

Accept, &c.,

TH. ROUSTAN.

No. 283.

*Mr. Bayard to Mr. Roustan.*DEPARTMENT OF STATE,
Washington, September 9, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 5th instant, in which you are pleased to inform me that the Government of the French Republic, in conformity with the provisions of article 34 of the general act of the Berlin conference, directs you to acquaint this Government with the assumption, by the French Government, under the authority of treaty and sanction of a decree of the President of the Republic, of sovereign authority over the country of the Ouatchis, situated on the west coast of Africa between the lagoon of Grand Popo and the Kingdom of Dahomey.

Your note adds that, in virtue of this proceeding, foreigners of whatever nationality established in the territory of the Ouatchis will hereafter enjoy the benefits of French jurisdiction, and that any political, civil, or judicial questions affecting foreign powers which may arise in that region will be hereafter dealt with by the Government of the French Republic.

Until the United States shall, by subsequent accession to and ratification of the general act of the conference of Berlin, in the manner therein provided, become a party to the stipulations thereof, it will be impossible to determine the due and proper weight to be given by this Government to the declaration and claim which you have thus communicated.

Accept, &c.,

T. F. BAYARD.

GERMANY.

No. 284.

Mr. Kasson to Mr. Frelinghuysen.

No. 94.]

LEGATION OF THE UNITED STATES,
Berlin, December 6, 1884. (Received December 22.)

SIR: I transmit to the Department herewith the record of the action of this legation upon a peculiar question of citizenship.

Karl Klingenmeyer's father was born in Wurtemberg, emigrated to the United States, was naturalized there, and returned with his family to Germany in 1860, where he continued to live till his death, in 1881, and had no intention to return to the United States after his resumption of residence in Germany.

Karl, the son, was born in 1862 in Wurtemberg; has never seen the United States; has no intention of residing there, and wishes to marry and live here. On July 23, 1880, upon his affidavit that he was born in Philadelphia about the 9th of February, 1862, my predecessor issued to him a passport as an American citizen. He now wishes a certificate as an American in aid of his marriage. On investigation of the facts I ordered the former passport canceled, as obtained by false swearing, and refused him recognition as a citizen, by reason of his father's renun-

ciation of American citizenship [Article IV, treaty 1868], combined with his own native German birth and free choice of German residence, without intention of going to the United States. The facts in detail appear in the correspondence.

I have, &c.,

JOHN A. KASSON.

[Inclosure 1 in No. 94.]

Mr. Coleman to Mr. Krausse.

LEGATION OF THE UNITED STATES,
Berlin, November 1, 1884.

SIR: Yours of the 30th ultimo is received. It appears that Karl Klingenmeyer, although having sworn in obtaining his passport issued by this legation (No. 275) on the 23d day of July, 1880, that he was born in the city of Philadelphia on or about the 9th of February, 1862, was in fact born at Heidenheim, in Wurtemberg, and has never been at all within the territory of the United States. It further appears that his father, after being naturalized, returned to Germany in 1860, prior to the birth of Karl, and always lived there, without the intention to return to the United States, until his death in 1881. The said Karl is now 22 years of age, and purposes to marry in Germany, and has no purpose of going to the United States.

Under these circumstances the legation declines to recognize the said Karl as an American citizen, and in view of the fact that the passport (No. 275) was obtained by falsely swearing as to his birth, the same is retained by this legation, and will be canceled unless said Karl Klingenmeyer is able to give satisfactory explanations touching the apparent perjury, or shows error in what appears now to be the facts in the case.

The record relating to the certificates necessary for Klingenmeyer's marriage received from you is returned herewith.

By direction of the minister.

I remain, &c.,

C. COLEMAN,
Secretary of Legation.

[Inclosure 2 in No. 94.—Translation.]

Mr. Krausse to Mr. Kasson.

COMMERCIAL AGENCY OF THE UNITED STATES,
Mayence, November 27, 1884.

I refer to my letter of the 31st October, and have the honor to inclose to you herewith three further documents, in the original, which I have received, in the Klingenmeyer affair. Since, according to my views, Art. 4 of the treaty of February 22, 1868, does apply to Klingenmeyer, I beg to be instructed as to the further treatment of this matter.

With great respect, &c.,

RUD. KRAUSSE,
Vice Commercial Agent.

[Inclosure 3 in No. 94.—Translation.]

CERTIFICATE.

GRAND DUCHY OF HESSEN,
OFFICE OF GRAND DUCAL BURGOMASTER,
Worms, November 18, 1884.

It is hereby certified for Karl Klingenmeyer, born at Heidenheim, Kingdom of Wurtemberg, on February 14, 1862, that pursuant to a decision of the Kreisamt of Worms of September 30 last, the German treaties with the United States and in particular Article IV of the treaty of February 22, 1868, can have no application to him, and that he rather is to be simply treated as an American citizen, because he was born as an American citizen.

Office of Grand Ducal Burgomaster.

KÜSTER.

[Inclosure 4 in No. 94.]

*Mr. Kasson to Mr. Krausse.*LEGATION OF THE UNITED STATES,
Berlin, December 4, 1884.

SIR: I have examined the papers accompanying your note of the 27th ultimo. They do not change the facts in the case, nor explain the false swearing in procuring the former passport. The father of the applicant, Klengenmeyer, had prior to his death renounced his American citizenship under the first paragraph of the fourth article of the treaty of 1868. Upon the facts as recited in my former letter, and which are not denied, Karl Klengenmeyer must take the citizenship of his birth, and which, after becoming of age, he maintains.

The legation adheres to its former decision.

Your inclosures are herewith returned.

JOHN A. KASSON.

No. 285.

Mr. Kasson to Mr. Frelinghuysen.

[Extract.]

No. 124.]

LEGATION OF THE UNITED STATES,
Berlin, January 6, 1885. (Received January 24.)

SIR: I have the honor to transmit herewith an important note from the German foreign office, dated December 31, 1884, conveying its decision in the case of Ferdinand Revermann, together with copies of all correspondence relating to the same between this legation and the German Government. This case is made the occasion for the declaration of two rules to be hereafter observed by the united German Governments, as follows:

(1) Fathers naturalized in America and returning to Germany to reside, and there sojourning for more than two years, are to be regarded as having renounced their naturalization, under the provisions of the treaty of 1868.

(2) But minor children of such parents born in America will be recognized as retaining their American citizenship, uninfluenced by the father's renunciation of his naturalization; and they cannot be made to perform military service in Germany; but their sojourn in Germany may be refused, under the principles of international law, when the same may be required in the interest of public order.

* * * * *

I have, &c.,

JOHN A. KASSON.

[Inclosure 1 in No. 124.]

*Mr. Kasson to Count Hatzfeldt.*LEGATION OF THE UNITED STATES,
Berlin, October 31, 1884.

The undersigned, envoy, &c., of the United States of America, begs to lay before his excellency Count Hatzfeldt, imperial secretary of state, &c., the following facts, as communicated to this legation, touching the proposed expulsion of a native American citizen, Ferdinand Revermann, from the German Empire:

(1) The father of the young man in question, Henry Joseph Revermann, emigrated to the United States in 1850; was duly naturalized in the State of Illinois, at Joliet,

in 1856, and resided continuously in the United States as a citizen until 1871, in which year he returned to Germany, bringing with him a regular passport for himself and his family as American citizens.

(2.) The son Ferdinand, now 25 years of age, was born at Naperville, in Illinois, in October, 1860, and is therefore a native American citizen, and has now been residing peacefully and orderly at Münster, in Westphalia, where his father also resides.

The Landrath, at Münster, in 1880, certified that as he was born a citizen of the United States his name would be stricken from the military rolls, and this was done. He was, however, on the 11th of this month summoned before the Landrath, at Münster, and told that by order of the Royal Government at Münster he must either become naturalized in Germany or leave the country. Against this action he appealed by protest to the said Royal Government, and on the 17th instant received a reply declining to modify the order, and directing the expulsion of said Ferdinand if he does not apply for naturalization in 3 days. He declined to be naturalized and applied for 4 weeks' time to prepare for leaving, also offering security that at the end of that time he would leave.

In answer he was told verbally to leave by November 1st or he would be put out, or into prison. Thereupon he applied to this legation to intervene for a suspension of this order and its reversal. It is alleged that he has conducted himself in a peaceful and orderly manner while living in Germany as a native American citizen, in perfect obedience to the law.

The undersigned, in view of the imminence of the date (November 1) for the forcible expulsion of said Ferdinand, begs that his excellency will take such measures that the order complained of may be at once suspended until the investigation be made; and that if the facts shall be found to be truly stated the order may be wholly revoked.

While inclosing the order of the Royal Government at Münster, dated the 17th instant, and addressed to Revermann's counsel, with the respectful request for its ultimate return, the undersigned avails himself, &c.

JOHN A. KASSON.

[Inclosure 2 in No. 124.—Translation.]

Dr. Busch to Mr. Kasson.

FOREIGN OFFICE, *Berlin, December 31, 1884.*

The undersigned has received the note of October 31 ultimo, relating to Ferdinand Revermann, of Mr. John A. Kasson, envoy extraordinary and minister plenipotentiary of the United States of America, and has the honor to make the following reply thereto:

The investigation made has resulted in showing that the statements made in the note referred to respecting Revermann are correct. Ferdinand Revermann was born in America in 1860, and returned in 1871 to Germany, to reside there permanently, in company with his father, Heinrich Joseph Revermann, who emigrated from Germany in the year 1850, and was naturalized as an American citizen in the United States of America in 1856.

The same circumstances exist, therefore, with respect to Ferdinand Revermann as in the cases of Georg Weigand (Wiegand), of Philadelphia, and the brothers Oppenheimer, at Frankfort-on-the-Main, which were submitted here for discussion in the esteemed notes of July 6 and November 8, 1881, respectively.

Prompted by these two special cases, the Government of His Majesty the Emperor, had already assumed the task of causing a close examination to be made respecting the legal status of the sons of those Germans who, as naturalized citizens of the United States of America, had during the minority of their sons, born in America, returned in their company to Germany to reside there permanently.

As regards the fathers of such sons, no doubt can exist that they are to be regarded as having renounced their naturalization by a longer sojourn than one or two years, pursuant to the treaties regulating nationality of 1868, concluded with the United States. The provisions of these treaties do not, however, extend to the minor children of persons naturalized in America. The rules there prescribed cannot, therefore, find any application to the legal status of these children.

This legal status should, therefore, be judged rather by the principles of law governing in the United States, in view of the fact that the children have been born in America, and have thereby, apart from the naturalization of the fathers, independently acquired American citizenship.

American law, so far as known here, contains no provision which makes the renunciation of American naturalization by the father act upon his minor sons also.

The Government of His Majesty the Emperor has therefore no hesitation in recognizing such persons as American citizens, in harmony with the views expressed in the notes referred to. Individuals possessing this character cannot be made to perform military service in Germany. But international principles permit the refusal to such persons of sojourn in Germany, and the adoption of measures against them, as soon as such course shall seem requisite in the interest of public order. This condition is assumed to exist by this Government when the actual circumstances indicate that the persons in question use their American citizenship only for the purpose of withdrawing themselves from the duties, and in particular from the military duty, devolving upon the domestic population, without being disposed to abandon their permanent sojourn in Germany and the advantages connected therewith. In such cases the less objection can be found to the adoption of the measure of expulsion, in view of the circumstance that American protection is customarily refused to persons who have left America while minors and have taken up their residence abroad.

In view of the principles thus presented, in accordance with which the united Governments* purpose to act in future in all such cases, the undersigned regrets that he does not find himself in a position to cause a change to be made in the measures taken against the brothers Oppenheimer and against Ferdinand Revermann.

The case of Weigand (Wiegand) has in the mean time been disposed of by his return to America.

While the undersigned permits himself to return herewith the inclosure of the note of October 31 last, he avails, &c.

BUSCH.

[Inclosure 3 in No. 124.]

Mr. Kasson to Dr. Busch.

LEGATION OF THE UNITED STATES,
Berlin, January 5, 1885.

The undersigned, envoy, &c., of the United States of America, acknowledges the reception of the valued note in which Dr. Busch, under secretary of state, &c., has been pleased to advise him of the conclusion to which his Imperial Majesty's Government has come in the case of Ferdinand Revermann.

While reserving the questions involved for the appreciation of his Government, the undersigned allows himself to offer two observations upon the contents of the note.

(1) It is believed that the foreign office is under a misapprehension in assuming "that American protection is customarily refused to persons who have left America while minors and have taken up their residence in a foreign country." So far as this legation is aware, such protection cannot be refused to American citizens who left their country while minors, except when after coming of age they have voluntarily abandoned or forfeited their American citizenship.

(2) It is also believed that in cases where the local authorities enforced such orders as the one in question, a reasonable time should always be allowed between the notification and the execution of the order to permit the resident stranger to arrange his affairs for such an emergency, and especially where no bad action is charged as the occasion of the order of expulsion.

Submitting this observation to the just consideration of the department of foreign affairs, the undersigned avails, &c.

JOHN A. KASSON.

No. 286.

Mr. Frelinghuysen to Mr. Kasson.

No. 83.]

DEPARTMENT OF STATE,
Washington, January 15, 1885.

SIR: Your No. 36, of the 13th of October last, reports your recent action upon two naturalization cases, concerning which you desire the supervisory consideration of this Department.

The first case, of Ludwig Hausding, appears to have been decided according to the law and the facts. It is stated that, having been born

* Governments of the various German states.—TRANSLATOR.

in the United States of a Saxon subject, he was removed to his father's native land, where he has ever since remained, although his father has subsequently become a citizen of the United States. You refused a passport on the ground that the applicant was born of Saxon subjects, temporarily in the United States, and was never "dwelling in the United States," either at the time of or since his parent's naturalization, and that he was not, therefore, naturalized by force of the statute, section 2172, Revised Statutes.

It does not appear from your statement whether Wilhelm Hausding, the father, had declared his intention to become an American citizen before the birth of Ludwig. While this, if it were established, would lend an appearance of hardship to an adverse decision upon his claim to be deemed a citizen, yet, even in this case, as the statutes stand, your decision would conform to the letter of the law, section 2168, which admits to citizenship, on taking the oath prescribed by law, the widow and children of an alien who has declared his intention but dies before completing his naturalization. By providing for special exemption excludes the idea of any other exemption, as for instance in the case of the non-completion of the father's naturalization before the permanent removal of the minor son from the jurisdiction of the United States.

Not being naturalized by force of the statute, Ludwig Hausding could only assert citizenship on the ground of birth in the United States; but this claim would, if presented, be untenable, for by section 1992, Revised Statutes, it is made a condition of citizenship by birth that the person be not subject to any foreign power.

This last consideration serves also to answer the "quære" which you annex to your statement of the Hausding case. You ask. "Can one born a foreign subject, but within the United States, make the option after his majority, and while still living abroad, to adopt the citizenship of his birthplace? It seems not, and that he must change his allegiance by emigration and legal process of naturalization." Sections 1992 and 1993 of the Revised Statutes clearly show the extent of existing legislation: that the fact of birth, under circumstances implying alien subjection, establishes of itself no right of citizenship; and that the citizenship of a person so born is to be acquired in some legitimate manner through the operation of statute. No statute contemplates the acquisition of the declared character of an American citizen by a person not at the time within the jurisdiction of the tribunal of record which confers that character.

Your decision granting a passport in the case of Johannes Weber is approved. In a case like this much depends upon the bona fides of the applicant, and his evident intent to return to the United States, as to which the minister must necessarily be the best judge of his duty in granting or withholding a passport.

Your second "quære," as to the meaning of the phrase "if dwelling in the United States," found in section 2172, Revised Statutes, is one of a hypothetical class as to which the general rule of the Department counsels no decision being made in advance of a specific case arising. No such case has, so far as I know, been presented for the decision of the Executive or the courts of the United States.

It would, however, be in fact difficult to see how, in the light of section 1999 of the Revised Statutes, which declares any decision of any officer of the Government tending to restrict the right of expatriation and change of allegiance to be "inconsistent with the fundamental principles of the Republic," and of section 2000, which declares that "all naturalized citizens of the United States while in foreign countries are

entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens," any branch of the Government could well maintain that the children of persons duly naturalized in the United States, and therefore also citizens by law, should lose that status by the mere act of passing beyond the territorial jurisdiction of the United States, especially if they passed within the limits of a third state not of the original allegiance, which could under no circumstances lay claim to their subjection. It can be seen how such an interpretation might regard a citizen of the United States as a citizen of no country whatever, through the sole fact of setting foot outside of our territory, and how, by again setting foot within our borders, his right of citizenship might be deemed to revive unimpaired.

As you remark, "the construction of the phrase as meaning that the minor children who become citizens through the naturalization of their father must be, at the time of their father's naturalization, dwelling in the United States, would allow a young man to join his father in the United States a week before his naturalization, and return to his native land a week after, a full-fledged American citizen, while still in his minority, and without renunciation of old allegiance or swearing to the new." That such a thing is possible is a defect in our existing naturalization laws.

The President, in his last message, called the attention of Congress to the advisability of recasting the statutes in this respect, in order to remove obscurities and contradictions, and surround the acquisition of American citizenship with safeguards commensurate with the high privileges and obligations which it confers and creates.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 287.

Mr. Frelinghuysen to Mr. Kasson.

No. 84.]

DEPARTMENT OF STATE,
Washington, January 15, 1885.

SIR: Your dispatch, No. 94, of the 6th ultimo, reports your action in regard to the application of Mr. Karl Klingenmeyer for a passport. While the Department concurs with you in thinking that a passport should be withheld for the present, at least so far as the issuance by your legation is concerned, because of the doubt raised as to the good faith of the applicant by the circumstance of his having already obtained a passport from your predecessor on the false pretense of birth in the United States of America, the views you hold as to the actual status of the party on the facts submitted seem to require some modification.

The facts are briefly that Mr. Karl Klingenmeyer's father having been naturalized in the United States of America (but when or where does not appear), returned to Germany, where he resided in 1860 and until his death in 1881, without having evinced any intent to return to this country. Karl, the son, was born in Wurtemberg in the year 1862; has not been in the United States; has no intention of residing here, but desires a certificate of American citizenship as a formality towards his intended marriage. This you refuse "by reason of his father's renunciation of

American citizenship (Article IV of the treaty of 1868), combined with his own German birth and free choice of German residence without intention of going to the United States."

It does not appear whether the father returned from America to Wurtemberg, his native state, although the fact that the son was there born would seem to indicate that he did. This point, however, is not now of importance, and may be passed over.

The precise date of the father's return to Germany in the year 1860 is not given, but it may be assumed that the son's birth on the 14th of February, 1862, occurred within the period of two years prescribed by the several naturalization treaties with North Germany.

But that point also is unimportant, in view of the fact that under these treaties, a two years' residence in his native country of a citizen naturalized in the United States of America does not of itself divest him of his adopted citizenship. The treaties provide that when a citizen of either country naturalized in the other shall renew his residence in the country of his birth without the intent to return to his adopted country, he shall be held to have renounced his naturalization, and further that the intent not to return "*may* be held to exist" after the residence in the native country shall exceed two years. The residence, therefore, is only evidence open to rebuttal of lack of intention to return to the adopted country. The treaty, therefore, by itself does not work forfeiture of citizenship, and in this case some affirmative governmental act was necessary to show that the elder Klingenmeyer had through residence in Germany, without intent to return here, forfeited his naturalization.

This is the construction of the fourth article of the treaty of 1868, which has been maintained by this Department, and, so far as is known, admitted by the German Government. That the article does not of itself operate to make the returning individual a German subject is established by precedents on file in your legation.

The party affected is in some instances required, after the expiration of the two years' residence, to affirmatively resume his previous allegiance, under the alternative of quitting the country, thus forcing him to elect between the two citizenships. Of course, if he quits the country he retains his adopted citizenship, unimpaired by the fact that he has exceeded the two years limitation.

If the father of Mr. Karl Klingenmeyer did in fact renounce his American citizenship, and resume his original allegiance, in a manner recognized by the laws of his native country, that fact would operate as a renunciation of the adopted citizenship for his minor children, at least while they remain within the jurisdiction which their father re-acknowledged.

The first point to be decided, then, is whether, as a fact, the father, during the son's minority, ceased to be an American citizen, and in deciding that the treaty clause should be construed as hereinbefore set forth. If the father did not so cease, the case is plain, and the son is an American citizen, unless since reaching the age of twenty-one years he has himself forfeited his rights.

We now reach a point less easy of decision, and that is, assuming that the father resumed German citizenship during the son's minority, what are the son's rights as against this Government upon reaching the age of twenty-one years, for there is no doubt that during minority his rights, if he had any other than those possessed by his father, were at least suspended and subject to the father's allegiance.

The statute of the United States (Revised Statutes, section 1993) declares that all children born without the United States whose fathers "were or may be at the time of their birth citizens thereof," are themselves citizens of the United States, but that right "shall not descend to children whose fathers never resided in the United States."

Therefore if Mr. Karl Klingenmeyer's father was at the time of his son's birth a citizen of this country, the son was such a citizen, while possibly by the German law (which I have not at hand) he might also be a citizen of the place of his birth. On general principles such conflicting citizenship is decided according to the laws of the one of the two countries claiming allegiance within whose jurisdiction the individual happens to be. (Vol. 13, Opinions Attorneys-General, page 89.)

The following facts may be considered as established in this case:

(1) That the elder Klingenmeyer, the father of the present applicant, Mr. Karl Klingenmeyer, came to the United States of America and was naturalized here some time before the year 1860.

(2) That the father returned to Germany some time in that year (1860) with the avowed intention of remaining permanently in that country, and of never returning to the United States of America with a view to residing permanently in this country.

(3) That the elder Klingenmeyer adhered to the intention thus manifested by remaining in the country of his origin, and that of his primitive allegiance for more than twenty years, and up to the time of his death in the year 1881. This must be taken in reason as well as in law to be a renunciation of his adopted citizenship. No matter to what country he may have gone, there can be no stronger, no clearer manifestation of intent against the *animus revertendi* than a man's own declaration followed by the establishment of a permanent domicile in the new country of his choice, and the entry into business there, and remaining in that newly-chosen country until his death, over twenty-one years later. It is also a resumption of his original nationality and native allegiance. That is a question in regard to which either the United States or Germany may insist upon its own view of, as it may be held respectively by either Government.

It is not materially essential to the determination of the present question, but as is stated by Attorney-General Hoar in the case cited above (Vol. 13, Opinions of Attorneys-General, page 90), is usually determined by the country, claiming affirmatively, when the man is found within that jurisdiction.

(4) That Mr. Karl Klingenmeyer was born in Wurtemberg, Germany, on the 14th day of February, 1862, which event was after the date of the father's return to Germany and his father's renunciation of his acquired United States citizenship.

(5) That Mr. Karl Klingenmeyer never resided in the United States, in fact never was in this country.

(6) That he now publicly disclaims any intention of ever coming to the United States to reside; and also, in any equally public manner avows his intention of permanently residing in Germany, adding that he desires an American passport solely for the purpose of facilitating his matrimonial plans and arrangements.

Now, suppose that this young man had obtained through his father's acquired American nationality any inchoate rights or claim to United States citizenship, and that these, on account of his father's voluntary foreign residence, and his loss of American citizenship, were held in abeyance during the son Karl's residence with his father there, reserving to him, Karl Klingenmeyer, the right of choosing for himself when

he should have attained the age of twenty-one years, which country he would adhere to. This reserved privilege in his favor is always accompanied by the implied condition that he shall make and in some formal manner, not always prescribed, but nevertheless well understood, avow his election within a reasonable time after he attains majority.

Applying these just and reasonable requirements to the case of Mr. Karl Klingenmeyer, how has he fulfilled them? He is now nearly twenty-three years old; he had not, until the filing of his application for a United States passport, even so much as claimed American citizenship, and he does so now, accompanied by the open avowal that he never intends to make the United States his home, his residence, or his country, except to demand technical citizenship in so far as that may serve his convenience and subserve his personal interest. He neither bears nor acknowledges any obligation to share with the American citizens any of the burdens incident to the character of citizenship in this country. It is not known that he has ever paid any taxes in the United States; indeed, there is every reason to believe that he has not. It is known that he has never performed any public service, civil or military, in or for the United States; and it is also known that he is not within the call of the United States should his services be at any time in the future needed in the nation's defense. Indeed, it may be assumed from his declarations and acts that if at any future time the United States and Germany should be at war, Mr. Karl Klingenmeyer would be found fighting under the German flag and against the United States, whose protection he is now claiming. Neither reason, justice, nor public law countenances any such anomalous condition of nationality, so that without deciding the possible judicial question of two years' residence in the country of origin, which is involved in the fourth article of the treaty of February, 1868, it may well be held that Mr. Karl Klingenmeyer is not on his present application entitled to a United States passport, and your refusal to comply with his request in that behalf is therefore approved by the Department.

I have, however, deemed it most expedient to place the refusal on the ground indicated in this instruction, leaving the question of the interpretation of the two years clause in Article IV of the treaty of 1868 open to the decision of the Supreme Court of the United States, when the question in proper form may be brought before that tribunal. You may possibly find some of these suggestions of value in future cases of a similar character that may come before you.

Assuring you that they are not advanced in any spirit of criticism,
I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 288.

Mr. Frelinghuysen to Mr. Kasson.

No. 95.]

DEPARTMENT OF STATE,
Washington, February 7, 1885.

SIR: Your dispatch, No. 124, of the 6th ultimo, reports the correspondence had by you with the foreign office in the case of Ferdinand Revermann, a citizen of the United States by birth, lately expelled from

Germany. The decision of the German Government, as communicated by you, broadly covers the questions of the treaty rights of naturalized Germans returning to Germany, and of their sons born American citizens.

The same general questions have been recently examined, and the views of this Department communicated fully by instructions No. 83 of the 15th ultimo, and No. 84 of the same date.

Lest silence should be construed as acquiescence in the position now taken by Germany, it seems proper to put on record some observations touching it. For this purpose it does not seem necessary to recite and discuss the particular case of Revermann; it will suffice to merely notice certain points of Dr. von Busch's note of December 31, 1884.

That note professes only to deal with the case of the sons of naturalized and returning fathers. But it lays down the following rule:

As regards the fathers of such sons, no doubt can exist that they are to be regarded as having renounced their naturalization by a longer sojourn than one or two years, pursuant to the treaties regulating nationality of 1868 concluded with the United States.

My instruction to you, No. 83, of the 15th ultimo, deals with this question.

We think it clear that the treaty cannot of itself convert an American citizen back again to a German, any more than it can make a German a citizen of the United States.

There are, it is believed, many persons now in Germany whose sojourn has extended beyond the term of two years without their being called upon to resume German allegiance. In all their relationships with this Government they retain American citizenship. There is between them and the authorities of their place of sojourn no relationship, implying resumption of their original status, and no jurisdictional rights are exercised over them.

As to the sons of such fathers, who, being citizens by birth, may visit the land of their father's allegiance, the decision of the German Government is just. They are original citizens in their own right, and the treaty does not relate to them. In all respects they stand on the same footing as native Americans of American parentage. This being so, the contention of the German Government, that such sons may be expelled from Germany on abrupt notice, at the pleasure of the authorities, under the alternative of becoming German subjects, is tantamount to claiming the right to expel any citizen of the United States in like manner and with the like alternative, which, of course, would conflict with the provisions of the existing treaty.

Such sons are admittedly and rightfully not within the provisions of the naturalization treaty of 1868. Then, as American citizens by native right, they must come under the general provisions of treaty affecting all American citizens who have not been naturalized.

This Government does not suppose that it will be called upon to acquiesce in the arbitrary establishment of a class of citizens who have no rights under either treaty, but who may any day be called upon to instantly become naturalized as German subjects or hastily expelled from the country, without time for preparation.

Dr. von Busch's claim that "international principles permit the refusal to such persons of sojourn in Germany," in the interest of public order, "when the actual circumstances indicate that the persons in question use their American citizenship only for the purpose of withdrawing themselves from the duties, and, in particular, from the military duty, devolving upon the domestic population, without being disposed to

abandon their permanent sojourn in Germany and the advantages connected therewith," is not fully understood by me; and perhaps its objectionable character may disappear on further explanation; but so far as I understand it, I cannot see why this line of argument does not apply to any and every native born American citizen of military age who, for purposes of business, study, or pleasure, may take up a peaceable abode in Germany, whether he has relatives in that country or not.

The singular character of Dr. von Busch's contention, and the remarkable consequences which might, if it were admitted, flow therefrom, make it advisable that its true purport should be better understood before instructing you more definitely in the case of Ferdinand Revermann.

You will therefore take an early occasion to point out the contradictions involved in the German reply, and the difficulty we would find in acquiescing therein.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 289.

Mr. Kasson to Mr. Frelinghuysen.

No. 168.]

LEGATION OF THE UNITED STATES,
Berlin, February 14, 1885. (Received March 2.)

SIR: In acknowledging reception of your important instruction (No. 84) in respect to the case of Karl Klingemeyer, claiming to be a naturalized citizen of the United States, I beg to submit the following observations:

(1) The prior passport issued to Klingemeyer was canceled on the ground of swearing falsely to the statement that he was born in the United States, when, in fact, upon his present admission, he was born in Germany, and had never been in the United States. By reason of that he avoided the necessity of stating other facts which would have presented a quite different case to the legation in 1880. But this revocation was not meant as a refusal of his right to a new passport, if the fact of citizenship entitled him to it.

(2) The Department appears to have construed the action of this legation in refusing a new passport as resting upon the two-years clause of Article IV, of the treaty of 1868. It was not my intention in my No. 94 to express an opinion in that sense. My interpretation of that clause has always been that contained in the present instruction, and I have issued many passports to *bona fide* citizens who have resided here for many years after naturalization in the United States. The real difficulty of this case arises on the first paragraph of Article IV.

If the naturalized American "renews his residence in North Germany without the intent to return to America *he shall be held to have renounced his naturalization in the United States.*"

This was the clause which applied itself to the facts of this case. For the facts assumed in my first answer to the application were not denied by the applicant, though a correction was invited. If the apparent fact of a residence resumed in his native country without intention to return to the United States was true, the period of two years was quite eliminated from consideration.

For the renunciation in question was effected at the time however early, when he renewed his residence in Germany without that intent to return to the United States. I have regarded that first paragraph, above quoted, as binding on both countries.

The two-years clause reads "may be held"; this paragraph reads "shall be held"; the one grants an option, the other imposes an obligation.

A similar distinction exists in the German text of the treaty. As the facts not denied showed a renewed German residence without any intent to return to the United States by the father, before the birth of the son, it seemed obligatory to conclude that American citizenship ceased, whether or not German citizenship was regained.

A further complication was created by the fact that the treaty came into force after the birth of the son.

Although immediately effective, can its application be retroactive in this case? This was one of the cases in which I felt justified in calling to my aid in interpretation the well-known spirit and object of the American naturalization laws. Their purpose was to make citizens *in* America rather than citizens *of* it. It was not their object to sell for a few dollars this right of citizenship to a non-resident who had never seen the American continent, nor expected to ever see it, nor had the slightest interest in it.

While I recognize the obligation to construe the law in its letter where its application is plain, in cases of doubt I have felt justified in withholding recognition of claims which rested solely on the applicant's desire to avoid duties abroad, while at the same time repudiating all duties of allegiance and even a residence in the country claimed to have been gained by adoption, and sometimes accompanied (as in this case) by utter ignorance of our language, our institutions, and even of the country which he claims. Recognition of such claims, where not plainly required by law, converts the dignity of citizenship into a mere passing convenience of a foreign claimant.

Having a passport, the German authorities turn him over to us for relief in case he is unable to support himself.

The frequent recurrence of such cases renders us cautious of claims of citizenship which are not founded on the real purpose of our naturalization laws.

While thanking the Department for its valuable instruction, I beg that this paper may be filed with the case as a part of it.

I have, &c.,

JOHN A. KASSON.

No. 290.

Mr. Kasson to Mr. Frelinghuysen.

No. 179.]

LEGATION OF THE UNITED STATES,
Berlin, February 20, 1885. (Received March 9.)

SIR: I inclose herewith copies of the correspondence between this legation and the German foreign office in respect to the action of certain German local authorities in furnishing money to one Andreas Rausch to enable him to emigrate to the United States, and after the expiration of his sentence of imprisonment for five years for the crime of arson.

It will be observed that the law of 1875 (chapter 140, sec. 5) only covers criminal "persons who are *undergoing* a sentence for conviction," &c., "or whose sentence has been remitted on condition of their emigration." Because Rausch had served out his sentence the German Government claimed, it seems to me rightly, that under this law his immigration could not be opposed.

In acknowledging the reception of this note I called the attention of the foreign office to a later law, in which the word "convict" is used in describing persons who shall not be permitted to land. Owing to the failure to supply this legation with the volume containing the statute, or the date of its passage, I could only give the section as it had been transmitted to this legation, with instruction No. 280, of August 18, 1884.

I assumed that the word "convict" covers those who have been convicted of felonious crimes, even after the expiration of their sentence.

On this point I request an instruction from the Department.

I have, &c.,

JOHN A. KASSON.

[Inclosure 1 in No. 179.]

Mr. Everett to Dr. Busch.

LEGATION OF THE UNITED STATES,
Berlin, August 27, 1884.

The undersigned, chargé d'affaires *ad interim* of the United States of America, has the honor to inform Dr. Busch, under secretary of state, in charge of the imperial foreign office, that information has reached him, under date of the 23d August, from the American commercial agent at Mainz, that there would be shipped from Bremen to the United States within a few days, by the North German Lloyd Steamship Company, a person named Andreas Rausch, believed to be a pauper or criminal, thirty-one years old, from Fitzendorf, Bavaria, and whose passage money is supposed to be paid by the local officials at Königshofen.

It is further reported that certain shipping agents were applied to in the matter, who declined to have anything to do with shipping a pauper or criminal, and returned the money forwarded them for that purpose, and that thereupon his passage was secured for him through one of the Lloyd agents at Königshofen, either Wilhelm Berlens, R. B. Glückstein, or Peter Rathgeber. His departure was intended to be about the 27th of the current month.

The undersigned, while furnishing these facts without in any way vouching for their correctness, as the reputation of shipping agents is in question, would respectfully request that the matter may be investigated, and, should it prove to be as stated, the proper steps may be taken for returning the said Andreas Rausch to his own country, as a person whom the United States would not be expected, under the general comity of nations, to receive on their shores.

The undersigned avails, &c.

H. SIDNEY EVERETT.

[Inclosure 2 in No. 179.—Translation.]

Dr. Busch to Mr. Kasson.

FOREIGN OFFICE, Berlin, February 16, 1885.

The undersigned has had the honor to receive the note of Mr. Sidney Everett of August 27 last, relating to the emigration to America of Andreas Rausch, of Fitzendorf.

In view of the communications contained in the same, occasion has been taken to cause the facts to be investigated. This investigation has resulted in showing that Andreas Rausch, whose conveyance to America, for the rest, failed to take place in consequence of the intervention of the American consul at Bremen, was in the year 1873 condemned for arson to imprisonment at hard labor for five years; he had, however, years ago completely served his term of punishment and had lately voluntarily determined to emigrate. He should not therefore be considered a "criminal" in the sense of section 5 of the American law of March 3, 1875, "An act supplementary to

the acts in relation to immigration," since the prohibition of immigration contained in the same, according to the interpretation adopted also by American lawyers, is not so much directed against those persons who have already expiated the crimes they have committed by serving their penal sentence, but rather against those only who evade punishment by emigration, or to whom punishment is remitted on condition of emigration.

As to the further question whether Andreas Rausch should be considered a "pauper," investigation has shown that he had been provided with such an amount of means, partly by his home community, partly from charitable funds, that a sum of money would have remained to him for his further maintenance after payment of his passage over.

It has been further established that the said Rausch is in the best years of manhood, and healthy and able-bodied. Under these circumstances it would seem that he should also not be considered a pauper, and not be excluded from immigration into the United States as such.

While the undersigned has the honor to communicate the above to Mr. John A. Kasson, envoy extraordinary and minister plenipotentiary of the United States of America, he, at the same time, avails, &c.

BUSCH.

[Inclosure 3 in No. 179.]

Mr. Kasson to Dr. Busch.

LEGATION OF THE UNITED STATES,
Berlin, February 18, 1885.

The undersigned, envoy, &c., of the United States of America, while acknowledging the reception of the esteemed note of Dr. Busch, under secretary of state, in charge of the imperial office of foreign affairs, &c., dated the 16th instant, and relating to the case of Andreas Rausch, begs at the same time to call his attention to the provisions of the second section of a law of Congress regulating immigration into the United States, which is of a more recent date than the law to which the said note of Dr. Busch referred, and which was also in force at the time of the incident which is the occasion of this correspondence.

A copy of the section of the law last above mentioned is inclosed herewith for the information of the foreign office. It will be observed that its terms have a wider scope than the former act, and would appear to include the case of Rausch.

The undersigned, &c.

JOHN A. KASSON.

No. 291.

Mr. Kasson to Mr. Frelinghuysen.

No. 189.]

LEGATION OF THE UNITED STATES,
Berlin, February 27, 1885. (Received March 16.)

SIR: Herewith inclosed I have the honor to transmit copy of the note addressed by me to the foreign office in pursuance of your instruction, No. 95, and in further response to the communication from that office to me in the case of Revermann and others, under date of December 31, 1884.

In your instruction, while referring to "conflict with the provisions of existing treaty," no special treaty was mentioned. I assumed, however, that the Prussian treaty of 1828 was referred to, and accordingly quoted it. I add the remark that the note from the foreign office does not affirm the restoration of German citizenship, but only the renunciation of the American right.

It is a peculiarity of the very imperfect treaty of 1868 that Article IV seems to leave the citizenship of the renouncing returned emigrant "in the air."

It results from the German view, that he is a man without a country after two years' residence here.

I have, &c.,

JOHN A. KASSON.

[Inclosure in No. 189.]

*Mr. Kasson to Dr. Busch.*LEGATION OF THE UNITED STATES,
Berlin, February 25, 1885.

The undersigned, envoy, &c., of the United States of America, begs to recall the attention of Dr. Busch, under secretary of state, in charge of the imperial foreign office, &c., to the note which the undersigned had the honor to receive from the foreign office under date of December 31, 1884.

The undersigned, in making acknowledgment of its reception, reserved its contents for the appreciation of his Government.

While the subject of the note involved the rights of American-born sons whose German-born fathers had during their minority returned with them to Germany to reside permanently, a declaration is added respecting the nationality of the father, which seems to have been made without a sufficient consideration of the language of the treaty of 1868.

That declaration is understood as follows:

"As regards the fathers of such sons, no doubt can exist that they are to be regarded as having renounced their naturalization by a longer sojourn than one of two years, pursuant to the treaties regulating nationality of 1868, concluded with the United States."

The Government of the undersigned cannot find the reasons which would justify its concurrence in this view.

In its judgment the treaty cannot of itself convert an American citizen into a German, nor a German into an American, against his will. Even the renunciation of one citizenship does not of itself create another.

It does not profess to make provision for a resumption of a citizenship previously lost or renounced. Its object was rather to recognize the obligation of a new citizenship which had been lawfully acquired in the other country.

The fourth article of the treaty of 1868, in its first clause, it is true, recognizes the renunciation of the newly-acquired citizenship by a total abandonment of the intention to return to the country where his new citizenship was acquired. But it does not affirm the restoration of the original allegiance. On the other hand, there are many naturalized Americans who reside for more than two years in Germany with the constant intent to return to the United States. They often carry on a business in both countries, beneficially increasing the commercial relations between the two.

These persons, however, long residing in the original country, with the intent of later return to the adopted country, have always been regarded by the United States as being still citizens of the country which they adopted. And such an interpretation it is supposed had received the acquiescence of the German Government, in view of the optional language of the third clause of the fourth article, which employs a different expression from that of the first clause. Such a practical construction has been one of the most beneficial results of the treaty. For it has served to cultivate the relation of commerce and friendship between the two countries.

The Government of the United States receives with satisfaction the opinion declared by the German Imperial Government which recognizes that the American children of parents naturalized in the United States have an unconditional and durable American citizenship.

On the other hand it learns with regret that the Imperial Government regards itself as justified by international principles in refusing the sojourn in Germany of these native born American citizens, although they are, as such, obedient to the laws and ordinances there prevailing. In these cases it is only a question of native citizens of the United States. There can be no distinction as to them based on national birth of the parents. Such children are not within the provisions of the treaty of 1868. This refusal of the right of peaceful sojourn, therefore, seems to the American Government to be in contravention of the spirit and even the letter of other treaties.

Thus by the first article of the treaty of 1828, with Prussia, it is provided that the inhabitants of the respective states "shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs; and they shall enjoy to that effect the same security and protection as natives of the country wherein they reside, on condition of submitting to the laws and ordinances there prevailing."

It can hardly be expected that the United States Government can acquiesce in a rule which, by administrative order, in either country, creates a class of residents who, while equally under the protection of treaties, may be summarily expelled from the country where they are residing in peaceful pursuit of their avocations and in obedience to all the laws.

If my Government rightly understands the scope of the principle claimed by Dr. Busch to be a principle of international law, it asserts, in effect, that any native citizen of the United States, sojourning in Germany for pleasure, for business, for study,

or for whatever purpose, may be expelled when the "circumstances indicate that the persons in question use their American citizenship only for the purpose of withdrawing themselves from the duties, and particularly from the military duty devolving upon the domestic population, without being disposed to abandon their permanent sojourn in Germany, and the advantages connected therewith."

How can such a rule be applied to admitted aliens, aliens even by birth? They are not withdrawing themselves from any duty of military service, because as aliens they owe no such duty. There can be no offense to public order in the non-performance of a service which neither the local law nor the law of nations imposes.

No ground is perceived by my Government which will justify a separation of such a class of residents from those intended to be protected by the language of the treaty above referred to. The suggested use of American citizenship is precisely one of the uses assigned to it by the law of nations, namely, the exemption from foreign military service. Can this fact, then, be inquired into as a motive of residence, and be construed into an offense for which a foreign resident may be withdrawn from treaty protection, and refused the right of sojourn?

The undersigned is instructed to present these views to the just consideration of his Imperial Majesty's Government, in the hope that they will lead to a common understanding of the rights of the citizens of each country peacefully residing in the other.

He avails, &c.

JOHN A. KASSON.

No. 292.

Mr. Bayard to Mr. Kasson.

No. 117.]

DEPARTMENT OF STATE,
Washington, March 13, 1885.

SIR: Acknowledging receipt of your dispatch No. 179 of the 20th ultimo, in relation to the case of Andreas Rausch, an alleged convict and pauper, who was stopped at Bremen from emigrating to the United States, I have to inform you that the word "convict," as used in the act of Congress approved August 3, 1882, is held by this Department to cover those who have been convicted of felonious crimes, even after the expiration of their sentences, and your course in reference to the matter is therefore approved.

I am, &c.,

T. F. BAYARD.

No. 293.

Mr. Kasson to Mr. Bayard.

No. 223.]

LEGATION OF THE UNITED STATES,
Berlin, April 4, 1885. (Received April 20.)

SIR: I have heretofore communicated to the Department several statements of military cases of German-American citizens which presented hardships of such a nature as to prove the necessity of another effort to improve the provisions of the German-American naturalization treaty of 1868.

Herewith I now inclose the complaint of Ernst F. Heitmüller, which presents an instance of such grave injustice that it became my duty to request of the German Government some action beyond its ordinary course, and in special condemnation of the local officials who committed the wrong. The case is stated in my note to the foreign office, copy of

which is herewith inclosed, together with an acknowledgment received from that office, and translation of the same.

The response of the foreign office may be delayed beyond my term of service; and the case may tend to influence such instructions on the general subject as you shall desire to give to my successor. I therefore forward it without awaiting the reply.

I have, &c.,

JOHN A. KASSON.

[Inclosure 1 in No. 223.]

Mr. Kasson to Dr. Busch.

LEGATION OF THE UNITED STATES,
Berlin, January 29, 1885.

The undersigned, envoy, &c., of the United States of America, begs the attention of Dr. Busch, under secretary of state, &c., in charge of the imperial foreign office, to the case of Ernst F. Heitmüller, and to the facts alleged by him to be true as hereinafter stated.

The said Heitmüller was born at Hüpede, Kreis Wennigsen, Hanover, on December 25, 1860, emigrated to the United States in January, 1878, and has since that time continuously resided in the United States. He was lawfully naturalized as a citizen of that country on the 10th of November, 1884, as appears by the original certificate herewith inclosed. He returned to Germany a few weeks since for a temporary visit, in order to collect a sum of money inherited by him, arriving at Hüpede on the 5th of December last. On the 9th of December he announced his presence to the *Gemeinde Vorsteher*, stating his purpose to remain about six months to collect the inheritance, and at the same time exhibiting his citizen paper, showing himself to be an American citizen. Two days later, on the 11th, a gendarme came to the house of his stepmother, where he was staying, and said he must arrest him and take him to Hanover, adding that if he had money he could go by rail, otherwise they would have to walk, a distance of some 9 miles. He inquired for what he was arrested. The gendarme replied, it was not yet certain he had arrested the right man.

On his arrival at Hanover he was taken to the jail (*Zellengefangniss*), where a police official caused all his personal effects, money, citizen paper, and other papers to be taken from him. He called attention at the time to his American citizenship and to the paper proving it. The official made a note on a protocol or paper, and Heitmüller was then conducted to a cell.

On the next day, December 12, he was brought before another official, who said to him, "You are Frederick Heitmüller, and have been fined for evasion of military duty." He replied, "My name is Ernst Heitmüller," and then he was sent back to his cell. On the next day, 13th December, he was brought again before the official, who told him he had been fined 300 marks for evasion of military duty, which he must pay with costs. He answered that he had not the money with him, but would procure it if allowed three days' time. He was answered this could not be done, but he should announce to the *Gefängniss Vorstand* that he wished to write a letter. He was taken back to his cell, and demanded of the jailer (*Gefangenen-Aufseher*) to obtain for him from the *Vorstand* permission to write a letter. The jailer put him off from day to day, and finally informed him that he could not write until he had passed a month at the prison.

His cousin meantime found out his place of confinement and visited him in prison on January 3. The facts were reported immediately to Heitmüller's uncle, who on January 5, was permitted to pay the fine and obtain his release. In that payment an allowance at the rate of 5 marks per day during an imprisonment of 26 days was made, equal to 130 marks, and a balance of 240.54 marks was paid in money.

The undersigned has therefore the honor to request that the alleged facts may be investigated. If found to be correctly stated, he does not allow himself to doubt that his Imperial Majesty's Government will appreciate the gravity of the offense committed by the local officers referred to against a peaceful American citizen, who gave them the proof of his citizenship, which exempted him from liability according to the treaty of 1868, and under the explicit orders of the minister of justice (July 5, 1868), and of the minister of the interior (July 6, 1868).

The offense appears to be aggravated by the unusual denial of the privilege of communicating by letter with either his relations or the officers of his own Government, and by the unnecessary prolongation of his confinement. Under these circumstances, if verified, it is hoped that His Majesty's Government will not find its sense

of justice satisfied by the refunding of the fine ; but will also find a method of signifying to the offending officials its sense of the unusual hardships inflicted upon the complainant without cause.

While requesting the eventual return of the inclosed certificate of naturalization, the undersigned takes, &c.

JOHN A. KASSON.

[Inclosure 2 in No. 223—Translation.]

Dr. Busch to Mr. Kasson.

FOREIGN OFFICE, *Berlin, February 3, 1885.*

The undersigned has the honor, replying to the esteemed note of the 29th ultimo, to inform Mr. John A. Kasson, envoy extraordinary and minister plenipotentiary of the United States of America, that measures have been instituted to cause a close investigation of the case of Ernst F. Heitmüller, of Hüpede, to be made by the appropriate authority.

While the undersigned reserves to himself to make a further communication, he avails, &c.

BUSCH.

No. 294.

Mr. Kasson to Mr. Bayard.

No. 240.]

LEGATION OF THE UNITED STATES,
Berlin, April 15, 1885. (Received May 7.)

SIR: So far as is known to this legation the following naturalization question is now presented for the first time.

John L. Geist, aged sixteen years, born in the United States in 1869, of a father naturalized in 1872, who has since resumed German allegiance, and resident at Frankfort-on-the-Main, Germany, with his father's family since 1872, applies for a passport.

His father, George W. Geist, a German subject, emigrated to the United States in 1854, but was not naturalized until 1872. It appears that he was granted a certificate of naturalization without a previous declaration of intention because of an honorable discharge from the Army at some time previous thereto. The same year, and very soon after obtaining that certificate, he returned to Germany to reside, and has resided here ever since. He has recently renounced his American citizenship and become a German subject, as the consul at Frankfort informs me. He adds that this was done with the "condition that his son, John L. Geist, being a native born citizen of the United States of America and a minor, should elect whether he would return to and take the nationality of his birth"; he further says that John L. Geist, the applicant, has been notified by the German authorities "that he may not remain in Germany later than August 1 next." The applicant says that he intends to return to the United States about June, 1885.

The case appears as follows: (1) that John L. Geist was born in the United States before his father was naturalized; (2) that under section 2172 of Revised Statutes he was to be "considered as a citizen thereof"; (3) that under the ruling of the Department (see instruction of January 15, 1885, No. 83) he remained a minor citizen of the United States so long as his father remained a citizen; (4) that under ruling of State Department (see instruction of January 15, 1885, No. 84) the allegiant condition of the minor son, while residing within the jurisdiction and under the control of the father, follows that of the father, (this is confirmed by Attorneys-General Opinions, Vol. XV, p. 15); (5)

that under the ruling of the German Government (see my No. 124 of January 6, 1885, inclosure 2) this minor continues to be an American citizen, even after the renunciation (under treaty of 1868) by his father of American citizenship, and cannot therefore be required to perform military duty in Germany; (6) that by American ruling (see Attorney-General's Opinion, *ut sup.*) this minor may by his voluntary act after attaining his majority, and by residence in the United States, reclaim his American citizenship.

Quære: Can John L. Geist, while still a minor, and residing with his parents in Germany, of which they have now become subjects, claim a passport as an American citizen?

Held at this legation, that he cannot under the American rulings, because his option to elect the citizenship of the United States cannot be exercised till he attains his majority.

The case is referred to the Department for revision, and for instruction to this legation.

Copy of my reply to the consul is herewith inclosed.

I have, &c.,

JOHN A. KASSON.

P. S.—Since the foregoing dispatch was written, Consul-General Vogeler has replied to my note of the 15th instant, and transmitted a copy of the father's (Geist) certificate of German (Prussian) naturalization, embracing his wife, and all his minor children by name, save the one who applies for the passport. He also incloses a letter from this new German subject, G. W. Geist, full of errors and contradictions. Copies of these papers are also inclosed herewith. The most charitable view to take of the father is that his mind is partially disordered, like the teeth which it is his profession to extract.

[Inclosure 1 in No. 240.]

Mr. Kasson to Mr. Hogue.

LEGATION OF THE UNITED STATES,
Berlin, April 15, 1885.

SIR: After a careful examination of the Washington rulings upon citizenship, this legation has come to the conclusion that the minor, John L. Geist, while living with and subject to his father, who has become again a German subject, has also himself acquired a German allegiance, so far at least that his American citizenship is in abeyance until he shall in the exercise of his personal right (suspended during his minority) reclaim his native citizenship and allegiance, and a residence in the United States, after he has attained his majority. That seems to be the American law. He does not need a passport to go to America. Should he be there after arriving at the age of twenty-one it would seem that he could then claim his right and receive in the United States a passport.

The case has been referred to the State Department for final decision.

The passport fee of 21 marks is this day returned by postal order, and the passport and certificate of naturalization of the father are herewith inclosed.

I am, &c.,

JOHN A. KASSON.

[Inclosure 2 in No. 240.]

Mr. Vogeler to Mr. Kasson.

CONSULATE-GENERAL OF THE UNITED STATES,
Frankfort-on-the-Main, April 17, 1885.

SIR: Pursuant to the letter of the legation, dated the 15th instant, instructing me to report by what process the father of John L. Geist, an applicant for a passport, renounced his American citizenship, I have the honor to inclose two documents just

handed to me by G. W. Geist, father of said applicant, viz : (1) a letter addressed to this office, giving Mr. Geist's version of said renunciation, and proving, as it seems to me, not only the weakness of his case, but also the like condition of his mind ; and (2) a copy of his certificate of naturalization as a German subject.

I send the letter aforesaid in the original in order that the legation may realize the fiery indignation they have evoked by declining to issue a passport to the minor son of a German subject, and the amount of patriotic feeling that has been, I fear, irretrievably crushed.

The Messrs. Geist had been first made fully acquainted with the contents of the letters of the legation on the subject of John L. Geist's application.

I am, &c.,

FERDINAND VOGELER.

[Inclosure 3 in No. 240—Translation.]

Certificate of Prussian naturalization of Dr. G. W. Geist.

The undersigned Royal Government hereby certifies that the dentist, Georg Wilhelm Geist, born at Waldmichelbach, on September 27, 1836, and heretofore an American citizen, has at his request, and in order to settle at Frankfort-on-the-Main, governmental district of Weisbaden, acquired Prussian allegiance for himself, for his wife Deborah, *née* Pierce, born at Marblehead, on the 15th of December, 1840, and for his following minor children, standing under paternal control :

- (1) George Pierce, born June 3, 1867.
- (2) Friederich Wilhelm, born November 23, 1870.
- (3) Sara Anna Sophia Christina, born December 17, 1873.
- (4) Marry Pierce, born February 14, 1881.
- (5) Alice Pierce, born February 14, 1881.

This naturalization document, however, confers all the rights and duties of a Prussian subject only upon the persons expressly named therein, and from the date of the delivery of the same.

Wiesbaden, April 4, 1885.

Royal Prussian Government. By direction.

Naturalization document. I. A. 2017.

[Inclosure 4 in No. 240.]

Mr. Geist to Mr. Vogeler.

FRANKFORT-ON-THE-MAIN, April 17, 1885.

SIR : I write you this letter to enable you to answer the letter dated American legation, Berlin, April 15, 1885, referring to the application of Mr. J. L. Geist, about which the legation begs you to inform it by what *process* the father of the applicant renounced American citizenship and resumed German allegiance.

I am astonished that the memory of the *personnel* of the legation is so short. I did neither *renounce* the American citizenship nor *resume* the German allegiance ; the former was not required of me and the latter could not be, as I *never before* owed allegiance to Germany. As I said, the memory of the legation is short.

On or about the 15th of March, 1884, I was called to the police office here, and informed to either apply for admission to Prussian citizenship (yet not quite that ; as I cannot properly interpret the meaning I will give you the German, which you probably understand better than the United States ministers at Berlin did) or expect to be ordered to leave the country. Not being able to leave the country at short notice, I applied personally to the United States legation at Berlin.

On the 24th of March, 1884, at an interview with Mr. Sargent, then minister of the United States at Berlin, I was told, "Try help yourself ; if you can't, I will do all I can to help you." I informed Mr. Sargent then that if I must leave the country I would need a year to close up my affairs ; he thought it would not be necessary to leave.

Mr. Sargent's successor answered me on my *first* application to him in the matter : "It is for her [meaning Germany] to say whether you are an American citizen or not," or words to that effect. In consequence of this I made the required application, as the United States did, or their minister did, renounce me (not I the United States citizenship). I had no choice but to acquire at least the right to live here until such

time as I may be enabled to return to the United States. That the authorities here considered me an American citizen is clear, or they need only claim me without any application from me. As it was seen that it cost me great pains to give up my American citizenship, I was told that my reception as a member of the Prussian state was not necessarily giving up the United States citizenship.

As to my son J. Louis, he has not been received a member of the Prussian state and his excellency need not fear any disagreeable correspondence on that account.

That the case of a minor receiving a passport is not the first, Mr. Kasson may find in the records of the legation under "Hugo Rettig." I think that as my son J. L. was born in the United States he is entitled to a passport. I may be wrong.

I inclose copy of my naturalization paper to ease Mr. Kasson's mind as to German claim on J. L. I would also inclose my correspondence with the United States legation, but all papers have been sent to the United States for publication.

I am, &c.,

DR. G. W. GEIST.

No. 295.

Mr. Kasson to Mr. Bayard.

No. 245.]

LEGATION OF THE UNITED STATES,
Berlin, April 23, 1885. (Received May 11.)

SIR: I have followed with peculiar interest the European discussion relating to the French declaration making *rice* contraband of war.

The greater number of the European powers, so far as I have observed, have failed to avow their position on this question. England, however, found her navigation and commercial interests so much involved that her Government appears to have protested against the doctrine. At the risk of duplicating the information already on the files of the Department, I inclose herewith a printed summary of the Anglo-French views of the question, deeming it worthy of preservation in the files of important international questions.

But more especially I beg your attention to the importance of the principle involved in this declaration, as it concerns our American interests. We are neutrals in European wars. Food constitutes an immense portion of our exports. Every European war produces an increased demand for these supplies from neutral countries. The French doctrine declares them contraband, not only when destined directly for military consumption, but when going in the ordinary course of trade as food for the civil population of the belligerent government. If food can be thus excluded and captured, still more can clothing, the instruments of industry, and all less vital supplies be cut off on the ground that they tend to support the efforts of the belligerent nation. Indeed, the real principle involved goes to this extent, that everything the want of which will increase the distress of the civil population of the belligerent country may be declared contraband of war. The entire trade of neutrals with belligerents may thus be destroyed, irrespective of an effective blockade of ports. War itself would become more fatal to neutral states than to belligerent interests.

The rule of feudal times, the starvation of beleaguered and fortified towns, might be extended to an entire population of an open country. It is a return to barbaric habits of war. It might equally be claimed that all the peaceful men of arms-bearing age could be deported, because otherwise they might be added to the military forces of the country.

The United States and other countries have hitherto refused to recognize *coal* as contraband of war, indispensable as it is to the equipment of war steam cruisers, because its chief use is for peaceful objects. But this French doctrine goes far beyond that.

Although the Franco Chinese war is ended, there is always danger that this precedent will be again adopted in the heat of another war unless resisted by energetic protests in the interests of neutral trade and of humanity itself. Its adoption indeed would practically nullify the advantages of neutrals intended to be secured by the Paris declarations of 1856.

I have, &c.,

JOHN A. KASSON.

[Inclosure in No. 245.]

Anglo-French debate on rice as contraband of war.

It would be well for this country if, out of all recent negotiations with respect to foreign affairs, we had come with as much credit as we have done in the case of the correspondence with the French Government, respecting the recent hostilities in China. Our Government have been in the right from first to last; they may claim to have been throughout neither too punctilious nor too yielding. The decision of the French Government to treat rice as contraband of war may have become of much less importance since the conclusion of peace between France and China. But the French Government have not withdrawn their declaration to that effect.

In the latest communication from M. Waddington on the subject he declares that the importance of rice as an article of food for the Chinese population and army prevents his Government allowing its free entrance into the north of China. The announcement of this policy was made only on the 20th of February last, and there has not been sufficient time to develop fully the inconvenience which this prohibition is calculated to produce. The action of the French Government would establish a precedent which might be of untold consequence in future wars. Our Government, to do them justice, took up a distinct position as soon as the intention of the French Government was known, and they have consistently stuck to a sound principle.

Lord Granville contended that there is a presumption that articles of food are destined for general use, and that it is incumbent on a belligerent to displace this, and to show at least *prima facie* that they are intended for military purposes. M. Waddington draws his arguments in favor of a different view exclusively from English authorities. He cites, among other authorities, the opinions of Mr. Gladstone and the attorney-general, Sir Robert Collier, expressed in 1870, to the effect that it rests with the prize court of the country which makes a seizure to determine what articles are contraband of war; and he adds, that if any difficulty arise the prize court sitting in Paris will take into consideration all the circumstances. Lord Granville's answer is natural and conclusive:

"Her Majesty's Government do not contest the general correctness of the view taken by the Government of the Republic, to the effect that it is for the prize court to decide, in the first instance, on the legality of the seizure; but any such decision, to be binding on neutral Governments, must be in accordance with the rules and principles of international law; but Her Majesty's Government feel themselves bound to reserve their rights by protesting at once against the doctrine that it is for the belligerent to decide what is and what is not contraband of war, regardless of the well-established rights of neutrals."

We shall be curious to know what rejoinder can be made to this just observation. In international law, so called, authority can be got for almost any proposition, however violent or startling. All nations, England not excluded, have too much molded their practices and doctrines in accordance with their interests. They have thought much less about being consistent than about what would be advantageous to themselves.

Probably M. Waddington's legal advisers or assistants could pick out of the mass of loose matter, vaguely designated as international law, passages which seemed to bear out his alarming contention. But the balance of authority, from the dawn of international law to our own time, is wholly against the indefinite and almost unlimited significance given to contraband by M. Ferry's Government. No doubt it is quite impossible to enumerate exhaustively all the articles which fall within this category. They vary according to the nature of the operations of belligerents. Commodities

which are chiefly serviceable in peace may become useful and even essential in war, and as such may be fairly designated as contraband.

France has always hitherto insisted, and there is much to be urged in favor of the view, that the commerce of neutrals should be restricted as little as possible, and that the tendency of belligerents to swell the list of contraband articles should be resisted. The last controversy on the subject was in 1870. Prince Bismarck then sought to convince our Government that coal exported from England to France fell within this category, inasmuch as it might be designed for the use of French cruisers. The French Government wholly repudiated this contention. Our Government then took up a middle position, contending that coal was contraband or not, according to its destination.

To-day the parts are reversed, and M. Waddington, contends for a degree of stringency of which in actual warfare there has been no example. The difficulty which both Governments have experienced in conducting the correspondence about rice has arisen from their own expressions, a little too unguarded and unqualified on former occasions. In 1870 the French Government used arguments which, if well-founded, now put M. Waddington out of court; and with reference to the same dispute the attorney-general employed in the House of Commons language which furnishes M. Waddington with almost his only plausible reasons. Had the latter made more extensive researches than he seems to have done he might, perhaps, have found in English state papers expressions as much in favor of his view as those which he quotes.

Apart from so-called authorities, the question scarcely admits of serious argument. It would be an intolerable hardship to neutrals that commerce of an essentially pacific character should be restricted, and that a large civil population should be deprived of food because a portion of the supply might go to feed soldiers or sailors. Are non-combatants to be starved because perchance combatants may be injured also? We all recognize the right of the prize courts of belligerents to decide, within well-known limits, what seizures are legitimate. Probably no one, however, until M. Waddington formulated the claim, thought of maintaining that neutrals were bound to acquiesce in such a decision, though given in violation of the recognized principles of international law.

In regard to a second point of difference disclosed in this correspondence, our Government appear to be right. To owners of ships and insurance companies it was obviously of great consequence to know whether vessels which sailed with contraband of war prior to the date at which the French Government announced their intention of exercising the right of search were liable to capture. M. Ferry admitted no relaxation in favor of such vessels; liability to seizure accrued, he contended, at the time when belligerents officially announced their intention to exercise the right. Lord Granville's remonstrance seems very fair. The French Government, for reasons of their own, advisedly abstained from making a declaration of war, and in consequence our Government did not issue, as a warning to English subjects, the usual proclamation of neutrality.

It seems harsh and unfair that ship-owners or shippers of cargo who, in reliance on this state of things, dispatched cargoes should be affected by a notice which they had no reason to expect when the vessels were laden and put to sea. A third point of some interest is raised in the correspondence, and as to it, also, Lord Granville appears to be in the right.

The French Government claimed, at a time when there was no declaration of war, to establish what is called, in singularly infelicitous language, a "pacific blockade" of the island of Formosa, and to capture English vessels which attempted to force the lines. Lord Granville disputed, and, as we think, rightly, this somewhat novel contention. While ready to admit that a state of war existed in Chinese waters, and that belligerents and neutrals alike ought to accept the consequences, he objected to English vessels being liable to seizure in a time of peace. A study of the correspondence will excite very mixed feelings.

It is satisfactory to observe that the English Government have throughout the negotiations upheld sound principles; but to us, who may at any time be in the position of France, it is not satisfactory to find that in regard to elementary questions of international law deep-seated differences of opinion should exist. It is only too plain that it is useless to try to reconcile what writers and statesmen have said; they have, in fact, said generally what interest dictated.

Of the various forms of charlatanism, one of the most shallow is that which assumes that somewhere there exists a perfect system of international law. It is still inchoate, and to a remarkably large extent in a fluid and uncertain state. But, having regard to pronounced tendencies, we must, whether for our advantage or disadvantage, look forward to the prospect of neutrals claiming and enjoying larger rights than belligerents have been in the past disposed to accord them.

No. 296.

Mr. Bayard to Mr. Kasson.

No. 137.]

DEPARTMENT OF STATE,
Washington, April 23, 1885.

SIR: Acknowledging the receipt of your dispatch No. 223, of the 4th instant, in relation to the arrest and imprisonment of Mr. Ernest F. Heitmüller, a naturalized American citizen, by the German authorities for the non-performance of military service, I have to inform you that your course in asking for an investigation of the facts in relation to the young man's imprisonment is approved.

Further instructions are deferred until the promised reply from the foreign office has been received.

I am, &c.,

T. F. BAYARD.

No. 297.

Mr. Bayard to Mr. Pendleton.

No. 3.]

DEPARTMENT OF STATE,
Washington, May 12, 1885.

SIR: With reference to Mr. Kasson's dispatch No. 240, of the 16th ultimo, in relation to the citizenship of Mr. John L. Geist, I have to inform you that upon consideration of the facts as presented by Mr. Kasson, this Department holds that Mr. Geist is entitled to a passport as an American citizen for the following reasons:

(1) At the time of his birth, his political as well as his civil status was in the United States.

(2) Under ordinary circumstances his status in both relations would have followed that of his father when his father returned to Germany from the United States and resumed his German nationality. But the father's resumption of German nationality by its own terms excluded from its purview the case of his son, Mr. John L. Geist. The doctrine of the changing of an infant's nationality with the nationality and domicile of the father rests on the assumption that such is the father's will and that the change is in submission to his paternal power. When, as in the present case, the father's will is that the child should retain his prior nationality and domicile, then the father's change of nationality and domicile does not affect the child. In the present case the position is not one of arbitrary technicality. It is obvious that the father intended that the son, John L. Geist, should return to the United States after a temporary sojourn in Germany, and it is obvious, also, that the boy joined in this intention.

(3) The German Government not only accepted the father's change of nationality, charged as it was with the reservation of the son's nationality continuing in the United States, but by requiring the son to return to this country at a specific period, the continuance of the son's American nationality was formally conceded.

You will be guided by the principles laid down above should any further action by your legation be called for in reference to the case of John L. Geist.

I am, &c.,

T. F. BAYARD.

No. 298.

Mr. Kasson to Mr. Bayard.

No. 261.]

LEGATION OF THE UNITED STATES,
Berlin, May 16, 1885. (Received June 1.)

SIR: In order to preserve the history of the application of the German rules of December 31, 1884 (see my No. 189), to American naturalized citizens returning to Germany to reside, I transmit herewith the correspondence in the case of Constant A. Golly.

I have, &c.,

JOHN A. KASSON.

[Inclosure 1 in No. 261.]

*Mr. Kasson to Count Hatzfeldt.*LEGATION OF THE UNITED STATES,
Berlin, April 6, 1885.

The undersigned, envoy, &c., of the United States of America, begs the early attention of his excellency, Count Hatzfeldt, imperial secretary of state for foreign affairs, &c., to the case of Constant A. Golly, as hereinafter stated by him.

The complainant, having been duly naturalized in the United States prior to 1880, and having a passport issued by the Department of State at Washington, on the 1st of April of that year made a temporary visit to his aged father at Felleringen, near Wesserling, in Alsace. He again returned for a visit in January, 1884, finding his mother in poor health. His father was dead, and his own assistance required by his mother, he being an only child. He has continued since that date to aid the little business on which the family was dependent for support. He has all the while continued in his intention to return to the United States, and was only detained here by the business referred to, and by the earnest desire of his sickly mother, whom he thought it unfilial to leave under such circumstances. He was advised that no objection could properly be made to his stay, at least for two years. But now he has received a notice, under date of March 31, from the local authorities in Kreis Thaun, ordering him to leave the country in seven days on pain of expulsion. There is no statement of any disorderly conduct.

Under these circumstances the undersigned hopes that his excellency will be pleased to cause orders to be sent to suspend the execution of this order until due inquiry can be made into the facts. It is hardly necessary to call the attention of his excellency to the great hardships of such an order applied to a citizen who has embarked in business in aid of an aged parent, on faith of his rights under the treaty while he continues to comply with the laws of the country of his residence.

In requesting such prompt action and ultimate order as justice and right shall require, the undersigned takes, &c.

JOHN A. KASSON.

[Inclosure 2 in No. 261.—Translation.]

*Count Hatzfeldt to Mr. Coleman.*FOREIGN OFFICES, *Berlin, May 12, 1885.*

Referring to the note of the envoy of the 6th ultimo (foreign office No. 49), concerning the complaint of Constant Golly, of Felleringen, in Alsace-Lorraine, the undersigned has the honor to impart to Mr. Chapman Coleman, chargé d'affaires of the United States of America, the following information received from the imperial stadtholder at Strasburg.

Constant Golly, born December 19, 1858, emigrated, holding a discharge from allegiance, dated January 5, 1875, and before the completion of his seventeenth year, from Alsace-Lorraine to the United States of America. On the 1st of January, 1884, he returned to Felleringen to his widowed mother, of whom he is the only child, and has remained there uninterruptedly since then. Widow Golly is sickly and aged; she possesses a not inconsiderable fortune and carries on a grocery business at Felleringen, the management of which she has for some time past intrusted almost exclusively to her son.

Under these circumstances, and in view of the fact that Golly himself did not deny to the German authorities that he returned to Alsace-Lorraine to reside there permanently, the rules obtaining in Alsace-Lorraine with respect to persons who have emigrated from there in order to evade military duty were applied to his case, and he was expelled from the territory of Alsace-Lorraine by an order of the district president at Colmar, dated March 19, 1885. The execution of the measure was postponed by the district president until the 7th instant, because Golly, after receiving the order of expulsion, made the declaration that he would probably make application to have Alsace-Lorraine allegiance bestowed upon him again. In case he should not apply for renaturalization, the expulsion cannot be dispensed with, since it must be assumed, in accordance with the state of the case, that Golly only emigrated in order to avoid the fulfillment of the military duty.

The undersigned avails, &c.

V. HATZFELDT.

No. 299.

Mr. Kasson to Mr. Bayard.

No. 265.]

LEGATION OF THE UNITED STATES,
Berlin, May 19, 1885. (Received June 8.)

SIR: I beg to invite your special attention to the note from the German foreign office, of which a copy with translation is herewith inclosed.

The note is evidently written in a tone of conviction, and aims to fairly meet the considerations presented in the Department's instruction, No. 95.

In my No. 189, I called the Secretary's attention to one of the assumptions of that instruction which I thought not to be applicable as an objection to the German argument. Still, in executing that instruction by my communication to the foreign office, I felt bound to omit no point in the Department's views as communicated to me.

This point in our argument is first handled by Count Hatzfeldt, who takes precisely the position which I indicated as the proper one in that dispatch to Mr. Frelinghuysen.

If the loss of American citizenship is first assumed, we can have no further right of intervention, nor duty to perform, in respect to German action against one who would have thus become an alien to both Governments. But the fundamental question is, has the naturalized citizen lost his American right under the treaty of 1868 by virtue of the length of his residence in Germany, as claimed by the German Government?

The note of Count Hatzfeldt appears at first to yield something to my argument (foreign office No. 37) against the arbitrary right of our Government to expel at its will a citizen or subject of the other country. It passes soon, however, to a practical affirmation of the inherent right of each Government, for reasons satisfactory to itself, to expel a foreigner, notwithstanding the general provisions of our treaties of amity and commerce, which I referred to.

Upon this head it still appears to me that our argument is the stronger, that this right is dependent upon a sufficient cause, and that this sufficiency is a fair subject for diplomatic reclamation. This would not exist if the German contention is justifiable, which claims for itself an absolute and irresponsible exercise of the right.

The further view presented by the note, touching the abuses which exist, and may continue to increase, of a really *German* population permanently established in their midst, which claims a foreign allegiance, and which yet renders no duties to either this or the allegiant country—

this view deserves a candid consideration when an effort shall be made for a final settlement of our pending controversy.

In view of the recent change of administration at Washington, I have not felt at liberty to continue the correspondence under my former instructions. I have therefore, reserved the questions for the further appreciation of my Government, as indicated in my note (foreign office No. 66), a copy of which is herewith inclosed.

I have, &c.,

JOHN A. KASSON.

[Inclosure 1 in No. 265.—Translation.]

Count Hatzfeldt to Mr. Coleman.

FOREIGN OFFICE, *Berlin*, May 16, 1885.

From the note of Mr. Kasson, dated February 25 last, the undersigned understands that the Government of the United States has raised a series of objections against the justice of those decisions which have been arrived at by the Government of His Majesty the Emperor with respect to former subjects of the Empire who have returned to Germany, after naturalization and a sojourn of five years in America, as well as respecting the sons born in the United States of such subjects.

After having considered the contents of the note referred to with an attention corresponding with the importance of the subject, the undersigned, to his regret, does not find himself in a position in which he is able to hold out a prospect of a change in the decisions in question. The expositions contained in the note of the 25th of February are directed primarily against the remark contained in the note of the foreign office of December 31 last, which reads:

“As regards the fathers of such sons, no doubt can exist that they are to be regarded as having renounced their naturalization by a longer sojourn than one of two years, pursuant to the treaties regulating nationality of 1868 concluded with the United States.”

In order to show the untenable nature of the position indicated by these words the envoy argues that article 4 of the treaties could, obviously, in case of the loss of the nationality acquired by naturalization, not have the effect of restoring at the same time the former nationality of the person in question. Such a really untenable assumption was, however, not expressed in the words which have been cited of the note of the foreign office.

The Government of His Majesty the Emperor is of the opinion rather that the persons to whom the conditions of article 4 of the treaties apply are to be reckoned neither as American citizens nor as subjects of the Empire, but as individuals without nationality.

Former subjects of the Empire who are in this case are, however, not dispensed from military duty in Germany. On the contrary, they are subject to this duty under the more particular provisions contained in section 11 of the imperial military law of May 2, 1874. (Imperial Laws, page 45.) Further, the envoy attaches weight to the optional language of the third clause of article 4 of the treaties, where it is said that the renunciation of the naturalization *may* be held to exist when the person resides more than two years in the country.

As far as the undersigned can perceive, the meaning of that expression is the following: In general the *permanent* transfer of sojourn to the land of the former nationality without the intention of returning to the country of adoption is intended to entail the consequence that the person is to be regarded as renouncing the naturalization acquired in the other country. In view, however, of the difficulty of proving in every particular case that the settlement (*niederlassung*) has taken place without the intention to return, and because an inward (mental) operation of this sort can only be deduced from outward circumstances which may be susceptible to varied interpretation, it has been agreed that the fact of a sojourn prolonged beyond the period of two years shall be sufficient to give to each of the treaty-concluding parties the formal right to treat the person as having renounced the nationality acquired by naturalization.

For the rest, the foreign office, in the words cited from its note of December 31 last, did not mean to intimate that on the German side this right would be exercised in all cases without distinction. The Government of the United States may rather rest assured that the German authorities, in the application of that treaty right, will, as heretofore (already), allow all reasonable consideration to prevail.

As regards the sons born in America of such former German subjects who sojourn with their fathers, the envoy represents that the contemplated adoption of measures of expulsion against such persons would not be in harmony with the provision of Article I of the treaty of the year 1828, concluded between Prussia and the United States.

Provisions such as the one referred to are to be found in the majority of the treaties of amity and commerce now in force. But in the intercourse of the Empire with other states the view has been heretofore always and quite universally adhered to that by treaty provisions of this character the internationally recognized right of every state to remove foreigners from its territory when their further sojourn in the country appears to be undesirable, upon grounds of the welfare of the state, is not abolished.

This applies in a peculiar measure to the sons born in America of former German subjects when they live with their fathers permanently in Germany, participate like Germans in all arrangements for the protection and welfare of the subjects of the Empire, and only make use of their American citizenship to avoid the fulfillment of one of the most important duties of German subjects.

Continued toleration of such endeavors would necessarily lead to the formation within the Empire of a numerous group of population who illustrate by their example how it is possible, under the covering mantle of a foreign nationality, held by name only, to evade in a whole succession of generations the military duty imposed upon all.

In this connection the undersigned permits himself to point to the fact that His Majesty's Government has, only after repeated consideration, and after overcoming many scruples which suggested themselves, decided to still recognize the American nationality of the sons in question of former subjects of the Empire, even, also, when their fathers have lost the citizenship acquired in the United States. For the recognition of such a relation is in conflict with the legal view underlying the legislation of the Empire, pursuant to which minor children, standing under paternal control, share the nationality of the father. In order, however, to pave the way for an amicable solution of the existing difficulties, the Government of His Majesty has suppressed the scruples, and has not hesitated to give expression to that recognition.

It will, therefore, be found the less surprising if this Government, on the other hand, cannot renounce the right nor withdraw from the duty of making provision against the injury to an important and just interest of the Empire that may possibly result from such accommodating action, by adopting measures of expulsion against the sons in question of former subjects of the Empire, under the conditions stated in the note of the foreign office of December 31 last.

While the undersigned submits the foregoing to the chargé d'affaires, in order that it may, if desired, be brought to the knowledge of the Government of the United States, he at the same time avails, &c.

V. HATZFELDT.

[Inclosure 2 in No. 265.]

Mr. Kasson to Count Hatzfeldt.

LEGATION OF THE UNITED STATES,
Berlin, May 18, 1885.

The undersigned, envoy, &c., of the United States of America, has the honor to acknowledge the reception of the note of his excellency Count Hatzfeldt, imperial secretary of state for foreign affairs, &c., under date of the 16th instant, relating to the rights of the citizens and subjects of the respective nationalities who may be residing in the other country under the protection of existing treaties.

While recognizing the serious and intelligent consideration which his excellency has been pleased to give to the reclamations presented on the part of the Government of the United States, as well as the conciliatory tenor of his excellency's note, the undersigned deems it his duty, in view of the importance of the questions involved, to reserve the contents of the note referred to for further appreciation of his Government.

With the reserve of such further communication from this legation as may be required, the undersigned seizes with pleasure this final occasion before his departure to renew to his excellency Count Von Hatzfeldt the very sincere assurance of his most distinguished consideration.

JOHN A. KASSON.

No. 300.

Mr. Pendleton to Mr. Bayard.

No. 13.]

LEGATION OF THE UNITED STATES,
Berlin, June 22, 1885. (Received July 6.)

SIR: I have the honor to transmit herewith the correspondence between this legation and the foreign office, relating to the expulsion from Prussia of Meyer Gad, a naturalized citizen of the United States.

The reasons for Count Hatzfeldt's refusal to grant the request for a longer sojourn by Gad in this country, made by my predecessor, Mr. Kasson, are set forth at some length in the note of the 16th instant, from the foreign office.

Stress is laid on the fact that Gad had already been expelled from Prussia while a Russian subject, and before his naturalization in the United States, and it is argued that the treaty of February 22, 1868, between the United States and the North German Confederation, does not apply to his case as he has never been a German subject.

It is intimated that circumstances indicate that Gad has no intention of returning to the United States, that he has committed dishonest acts in Prussia, and it is stated, in conclusion, that his past history would not seem to justify exceptional consideration for his wishes.

Gad's expulsion is *probably* owing in a great measure to the fact that he was formerly a Russian subject. The policy of expelling Russians coming into Prussia to settle is being rigorously prosecuted by this Government for the reason, no doubt, that such immigration tends to arrest the Germanization of that portion of Prussia which borders on Russian Poland and is largely inhabited by persons of Polish origin.

Gad has been informed of the adverse decision in his case.

I have, &c.,

GEO. H. PENDLETON.

[Inclosure in 1 No. 13.]

*Mr. Kasson to Count Hatzfeldt.*LEGATION OF THE UNITED STATES,
Berlin, April 20, 1885.

The undersigned, envoy, &c., of the United States of America, has the honor to request the friendly and early attention of his excellency Count Hatzfeldt, imperial secretary of state for foreign affairs, &c., to the following statement and request of Meyer Gad, a citizen of the United States, now temporarily sojourning at Kempen in Posen.

It is alleged that the said Meyer Gad, then being a Russian subject, emigrated to the United States 1879, from which time he has resided there until his recent return to Prussia on a visit and to dispose of business. He was naturalized in America in due form of law, as appears by the certificate dated the 30th day of September, 1884.

It is also stated that he was ordered to leave Kempen prior to his emigration, solely on the ground of his being a Russian subject, no offense being charged against him. His object now is to sell some property belonging to him, at or near Kempen, and then return with his family to the United States for permanent residence.

It is now reported to this legation that the landrath of the district has ordered him to leave without special cause therefor, before the 4th day of May, prior to which time he will not be able to complete the disposition of his property. His intention always is to return to the United States in August next.

Under these circumstances the undersigned feels assured His Majesty's Government will find it just to give him the benefits of the treaty, and to direct the local authorities to allow the said naturalized citizen to complete his lawful business in Prussia so long as he is obedient to the laws. He therefore has the honor to request his excellency to cause the order of the landrath to be suspended pending an investigation of

the facts, and if these are found to be correctly stated, that order may be issued in compliance with the applicant's request.

Submitting herewith the certificate of American naturalization of said Meyer Gad with the request for the eventual return of the same, the undersigned profits, &c.

JOHN A. KASSON

[Inclosure 2 in No. 13.—Translation.]

Count Hatzfeldt to Mr. Coleman.

FOREIGN OFFICE, *Berlin*, June 16, 1885.

Replying to the esteemed note of the 20th of April last, the undersigned has the honor to inform Mr. Chapman Coleman, chargé d'affaires *ad interim* of the United States of America, that, to his regret, the request, advocated by the envoy, Mr. Kasson, of Meyer Gad (rightly spelled Gad) for permission to sojourn longer in Prussia, could not, under existing circumstances be complied with.

The former Russian subject, Meyer Gad, had already been expelled from Prussia in the year 1878, after having been discharged from the service of the merchant Block, at Kempen, at that time his master, for several dishonest acts. He thereupon went to Austria and then to America, where he has acquired American citizenship. As he has never been a German, the North German American treaty of February 22, 1868, cannot apply to his case.

After an application made in 1882 by the wife of Gad, residing at Kempen, for permission for her husband to sojourn there, had been refused, the latter himself appeared at Kempen at the beginning of February last with the purpose of settling there. He was directed that he must leave the territory of Prussia within six weeks.

With this direction he did not comply, and later on, in a communication addressed to the "landrath" at Kempen, he declared that it was his purpose to commence at this place a business with a capital of 10,000 marks, which he claimed to possess. From this it would seem to appear that Gad, contrary to the assumption contained in the note of the envoy, did not, in reality, even have the intention of returning to America.

Although in general, sojourn in the German Empire, in so far as particular reasons to the contrary do not exist, is permitted to citizens of the United States, as also to other foreigners, the royal Prussian minister of the interior is nevertheless of the opinion that the measure of expulsion adopted against Gad before his naturalization as an American citizen must be maintained, and the more for the reason that his personality and his past history would not seem to justify exceptional consideration for his wishes.

The undersigned, &c.

V. HATZFELDT.

No. 301.

Mr. Bayard to Mr. Pendleton.

No. 19.]

DEPARTMENT OF STATE,
Washington, July 7, 1885.

SIR: I herewith inclose a copy of the affidavit of Mr. Charles L. George, a naturalized citizen of the United States, together with his citizen paper and that of his father, Mr. Peter George, in support of his complaint against the German Government for false imprisonment, the facts of which appear to be as follows:

Peter George, the father, a native of Germany, came to this country in 1840, was naturalized as shown by his citizen paper on the 16th October, 1848, returned to Germany in 1851, and married there. The son Charles was born at Lamperts-loch, Alsace-Lorraine, on the 9th January, 1859, that is after his father had been residing there eight years. Both father and son then appear to have continued to reside there until the son was over sixteen years of age, and then in May, 1875, they came to-

gether to the United States, and have since resided more or less continuously at Philadelphia. The son states that he voted when he came of age, that is, in 1881, by virtue of his father's citizenship, but he appears, in anticipation of his return to Germany, to have taken out his own citizen paper on the 10th May, 1884. Furnished with this document the son, Charles, returned on a visit to his birthplace, arriving there on June 2, 1884. On the 12th July of the same year he was arrested by a gendarme named Rick, at the town of Sulz, on the Wald, and taken to Strasburg, 30 miles distant by railroad, where he was imprisoned. The prison inspector told him his papers had been sent for, had arrived the third day after his arrest, and had been sent to the statthalter-general, Manteuffel. When he had been imprisoned twenty days his friends petitioned for his release, but were told that he must remain in prison for forty days, which he did, and was then released. When arrested he had 63 marks, which were taken from him, and on his release 40 marks and 71 pfennigs of them were returned, as the authorities told him, to pay his board while in prison and his railroad transportation, though he appears to have been put to hard enough work from 5 a. m. till 7 p. m., to pay for the poor food which he alleges that he received in prison.

This case would seem to present some new points of difference with other cases in Alsace-Lorraine and also to be at variance with the course of procedure which this Department understands was to be adopted by the German authorities in their treatment of naturalized citizens of other countries whom they find in that province.

Taking it for granted that the German Government still adheres to its previous refusal to apply the Bancroft treaty to Alsace-Lorraine, and referring to the edict of the statthalter of the 23d August, 1884, inclosed in Mr. Everett's No. 327, of the 4th September, 1884, it would appear that the utmost penalty for foreign citizens was expulsion from the province in case they declined to resume German nationality, and, if the third article of that edict is correctly understood here, *unmarried* foreigners would be allowed to remain in Alsace-Lorraine during good behavior, and should they marry, even their children might be allowed to remain until they reached the military age. There is no suggestion of fine or imprisonment in any case as a penalty for avoidance of military obligation by emigration. Even in the case of Constant Golly, as given in Mr. Kasson's No. 261, who was formally charged by the imperial foreign office, in their note of the 12th May, 1885, with intention to evade military duty, there was no fine or imprisonment, and he was simply told to leave by a certain date.

In the present case of Charles George, an imprisonment of forty days, in spite of a petition to the statthalter, was rigorously insisted upon, and a part of the money found on him was retained to pay for his transportation to prison and his board while there, which, as far as this Department is aware, is the first time an American prisoner in Germany has been called upon to refund such expenses.

In Mr. George's case it is not evident on what ground the Alsace-Lorraine authorities could base a charge of want of good faith on his part. He was not sixteen when he left Germany for America, and the period of being summoned for military service was too far distant, therefore, to look to as a reason. The fact that his father accompanied him and remained here with him ought to tell in his favor, and he does not appear to have been charged with wanting to remain in Alsace-Lorraine, which is, after all, the grievance complained of in the statthalter's

edict, and against which all the precautions and punishments seem to be directed.

* The danger predicted by the statthalter is that "in time the population of the country will be in a great measure composed of foreigners and the German army will lose a considerable number of recruits." Judging him from this point of view, Mr. George neither deserved imprisonment nor expulsion. The arguments of the minister of foreign affairs as given in Mr. Kasson's No. 265 would seem to have no application here, as they regard the two-years clause of the Bancroft treaty, which does not, according to German interpretation, cover Alsace Lorraine.

You will take an early opportunity to bring the case of Mr. George to the attention of the foreign office, with a request for a careful examination into it, and such explanations as may best promote a continuance of the friendly relations between the Governments of Germany and the United States.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 19.]

Affidavit of Charles L. George.

COUNTY OF PHILADELPHIA, ss:

Charles L. George, being duly sworn according to law, doth depose and say: I am a resident of the State of Pennsylvania and a citizen of the United States. My father, Peter George, a native of Germany, came to the United States in the year 1840, was naturalized, returned to Germany in 1851, and married. I was born in Germany on January 9, 1859. In May, 1875, my father and I came to the United States (my father for the second time), arriving in New York, and immediately afterwards coming to Philadelphia, where I have generally since resided; I was under seventeen years of age when I came to this country, and voted when of age by virtue of my father's citizenship.

In 1884 I visited the place of my birth, viz, Lampertsloch, Canton Woerth, on the River Sauer, Alsace, leaving Philadelphia May 17, 1884, and arriving at my destination June 2, 1884. On July 12, 1884, while at Salz, on the Wald (3 miles from Lampertsloch), I was arrested by a gendarme named Rick. I asked him what I was arrested for, to which he replied that I was judicially prosecuted for avoiding military duty due the German Government. I told him I was a citizen of the United States, and requested him to go with me to Lampertsloch for my papers or send for them. He said he did not want to see my papers, and took me to Strasburg, 30 miles distant by railroad, where I was imprisoned among criminals. In a conversation with the prison inspector I was told that if I had my papers I would be set at liberty. Afterwards the same inspector informed me that he had sent for my naturalization papers, and that they came the third day after my arrest, and had been forwarded to State Attorney Manteuffel. About a week later I asked the inspector about my case, why I was detained; he said he did not know how it was, again stating that he had received my papers and forwarded them to the state attorney. When I had been incarcerated twenty days my friends petitioned the state attorney, through counsel, for my release, to which he replied that I had to remain in prison for forty days. I served forty days and then I was released.

When arrested I had 63 marks, which the authorities took from me and returned of the same at my release 22 marks 29 pfennigs. The difference, I was informed, was deducted to pay my board while in prison and railroad transportation.

I was fed on prison fare—coarse, indigestible black bread and bran soup. I was sick when set at liberty, and remained so for some time. While in prison, I was obliged to work at breaking sea grass and carrying heavy bags every day from 5 a. m. to 7 p. m.

CHARLES L. GEORGE.

Sworn to and subscribed to before me this 12th day of June, A. D. 1885.

[SEAL.]

HERMAN KOECHER,
Notary Public.

No. 302.

Mr. Bayard to Mr. Pendleton.

No. 20.]

DEPARTMENT OF STATE,
Washington, July 9, 1885.

SIR: Your dispatch No. 13, of the 22d ultimo, in relation to the expulsion of Meyer Gad from Prussia, has been received and considered by the Department.

It seems from the accompanying correspondence that Meyer Gad, whose expulsion from Germany is the ground of complaint, was originally a Russian subject, who settled in Kempen, in Prussia, from which country he was expelled in 1878 as guilty of various acts of dishonesty towards his employer. He then made an excursion into Austria, and afterwards visited the United States, where he claims to have been naturalized. He afterwards went back to Kempen, the scene of his former alleged misconduct, where he was notified by the Government that he must leave the country at the end of six weeks.

This is his grievance, and as to this I have to say that on general principles it is within the power of the General Government to make and enforce such a decree of expulsion, nor can this Government object, unless the exclusion be enforced with undue harshness. The same prerogative was asserted by our Government in the alien act; and we have recently taken measures to exclude paupers and convicts from our shores.

It does not appear, therefore, that we can object to the German Government refusing to receive back to the scene of his alleged former depredations Meyer Gad, who appears to have been a wandering if not predatory Polish Jew, Russian by allegiance of birth, American by allegiance of naturalization, Austrian by allegiance of residence, and German, if he could be, by allegiance of present election.

It may be observed that there is no treaty that covers the case of Mr. Gad, since he was not a German subject by origin, but the subject by origin of Russia.

I am, &c.,

T. F. BAYARD.

No. 303.

Mr. Pendleton to Mr. Bayard.

No. 36.]

LEGATION OF THE UNITED STATES,
Berlin, July 16, 1885. (Received July 27.)

SIR: I have the honor to transmit herewith copies of the correspondence between this legation and the foreign office concerning the case of David Lemberger, a citizen of the United States, to whom the authorities of Wurtemberg have given the alternative of leaving the country or acquiring naturalization in one of the federal states of Germany.

Count Hatzfeldt's note of the 14th instant, just received, in reply to my note of the 3d ultimo in behalf of Lemberger, informs me that he cannot advise the authorities of Wurtemberg to withdraw the said order.

The general principles of the note of the foreign office of the date of May 16, 1885, a copy of which, with translation, was transmitted with Mr. Kasson's No. 265, of May 19th last, are stated as the grounds on

which the minister declines to intervene with those authorities as I had requested.

The correspondence between this legation and the consul at Stuttgart shows, that on the request of Mr. Lemberger, preferred by himself without the knowledge of this legation, several extensions of time have been granted.

The last extension, until the 20th instant, mentioned in the note of Count Hatzfeldt, is now for the first time brought to my knowledge.

It will be observed that in August of last year the legation intervened successfully in behalf of Mr. Lemberger, and secured his exemption from military service.

I sent immediately to Mr. Lemberger a copy of Count Hatzfeldt's last note, that he might be advised at the earliest moment.

Reserving for another communication the answer which I may think proper to send to the foreign office under the circumstances, whilst awaiting your instructions,

I have, &c.,

GEO. H. PENDLETON.

[Inclosure 1 in No. 36.]

Mr. Everett to Count Hatzfeldt.

LEGATION OF THE UNITED STATES,
Berlin, August 22, 1884.

The undersigned, chargé d'affaires *ad interim* of the United States of America, has the honor to call the attention of his excellency Count Hatzfeldt, &c., to the case of Mr. David Lemberger, a native-born citizen of the United States.

From the statements made on oath and testified to before the United States consul at Stuttgart, it appears that the said David Lemberger was born in the United States on the 28th July, 1862; that his father was naturalized as an American citizen on the 23d March, 1860; that the son left the United States in May, 1870, and is now a resident of Rexingen O. A. Horb, Wurtemberg. It also appears that David Lemberger has been mustered into the one hundred and fifth infantry regiment, and ordered to appear for service on the 6th November next.

The undersigned would respectfully represent that as Mr. Lemberger is a native-born American citizen, 22 years of age, and has never been naturalized in Germany, he is in no sense a German subject, and consequently not liable to military service. The undersigned cannot furnish Mr. Lemberger's birth certificate, but it appears by his "*urlaubspass*" (leave of absence), which is herewith inclosed with the respectful request for its ultimate return, that his American birth is not questioned by the military authorities.

The undersigned would respectfully request that this case may receive early investigation, and if the facts prove to be as stated, that Mr. Lemberger may be released from military service.

The undersigned, while inclosing Mr. Lemberger's passport as an American citizen, with the request for its ultimate return, avails, &c.

H. SIDNEY EVERETT.

[Inclosure 2 in No. 36.—Translation.]

Count Hatzfeldt to Mr. Kasson.

FOREIGN OFFICE,
Berlin, April 26, 1885.

The undersigned has the honor, while returning the inclosures of the note of the 22d August last, to inform the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. John A. Kasson, that the name of David Lemberger, now sojourning at Rexingen, has been stricken from the German military rolls, it having been ascertained that he cannot be considered a subject of the German Empire.

The undersigned avails, &c.

V. HATZFELDT.

[Inclosure 3 in No. 36.]

*Mr. Pendleton to Count Hatzfeldt.*LEGATION OF THE UNITED STATES,
Berlin, June 3, 1885.

The undersigned, envoy, &c., of the United States of America, has the honor to invite the attention of his excellency, Count Hatzfeldt, imperial secretary of state for foreign affairs, to the case of David Lemberger, a native citizen of the United States.

This legation has heretofore, under date of August 22, 1884, had occasion to appeal to his excellency in behalf of Lemberger, who had at that time been mustered into the one hundred and fifth infantry regiment of the German army and ordered to report for service on the 6th of November following. The submission of the case was followed by the gratifying result announced in his excellency's note of April 26 last, that Lemberger's name was stricken from the German military lists, it having been found that he could not be regarded as a subject of the Empire.

The facts relating to Lemberger's birth, and to the nationality of himself and father, as testified to under oath, and as presented to his excellency in the former note from this legation above referred to, are the following: He was born in the United States on the 28th of July, 1862; his father was naturalized as an American citizen on the 23d of March, 1860; and the son afterward left the United States and came to Germany.

Lemberger, who is residing at *Rexingen*, in Wurtemberg, where, so far as the legation is aware, he has conducted himself in a peaceful and law-abiding manner, was notified in a written communication, dated May 28 last, through the medium of the "*Schultheissenamt*" of *Rexingen*, that he must acquire German allegiance by the 11th of June, under penalty of expulsion.

The undersigned expresses the hope that in view of the short time intervening before the 11th of June, an early investigation of his case may be made, and that his excellency's kind mediation may be used to cause the measures taken against Lemberger to be discontinued.

The evidence of Lemberger's American nationality cannot now be inclosed, as it was restored by the legation to its owner, after it was returned with the esteemed note of April the 26th last.

The undersigned herewith incloses, with the respectful request for its ultimate return, the notice from the local authorities in Wurtemberg, above referred to, and avails, &c.

GEO. H. PENDLETON.

[Inclosure 4 in No. 36.—Translation.]

*Count Hatzfeldt to Mr. Pendleton.*FOREIGN OFFICE,
Berlin, July 11, 1885.

The undersigned has the honor to inform the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. George H. Pendleton, in reply to the note of the 3d ultimo, concerning the citizen of the United States of America, David Lemberger, now sojourning at *Rexingen*, that pursuant to information received from the Royal Wurtemberg Government, the said person has in fact been notified by the appropriate authority that he must, under penalty of expulsion, within a period which has been several times extended, in the last instance to the 20th of this month, produce proof of his acquisition of nationality within one of the states of the German Union.

The authority in question felt impelled to adopt this measure for the reason that the said individual, in accordance with the occurrences discussed in the note of April 26 last, from this office, belonged to the class of persons who employ their foreign allegiance simply for the purpose of evading military service in Germany, and to whom, therefore, the general principles developed in the note of May 16 last apply.

While the undersigned regrets that he cannot under the circumstances endeavor to effect a withdrawal of the measure taken by the Wurtemberg authorities against David Lemberger, and while he returns the inclosure of the note first herein mentioned, he also avails, &c.

v. HATZFELDT.

No. 304.

Mr. Bayard to Mr. Pendleton.

No. 24.]

DEPARTMENT OF STATE,
Washington, August 1, 1885.

SIR: Your dispatch No. 36 of the 16th instant, reporting the case of David Lemberger, lately notified of his expulsion by the Wurtemberg authorities, unless he becomes a citizen of the German Empire, has been received and read with the greatest interest and attention.

It is noticed that Count Hatzfeldt bases his decision to expel Lemberger on the note from the foreign office to the legation of the 16th instant, which discusses the status of the sons of former subjects of the Empire who have returned to Germany after naturalization, and therefore, to meet his arguments, it will be necessary to show that Lemberger's father did not return to Germany after naturalization. This fact does not appear in any of the correspondence forwarded with your dispatch, but may possibly be susceptible of proof from your correspondence with Lemberger himself or the consul at Stuttgart.

In replying to this instruction you should make this point perfectly clear, and also report any further correspondence you may have had on the case.

Be so good also to inform me whether Mr. Lemberger has left Germany, and for what destination, with his present address if known.

I am, &c.,

T. F. BAYARD.

No. 305.

Mr. Pendleton to Mr. Bayard.

No. 47.]

LEGATION OF THE UNITED STATES.
Berlin, August 10, 1885. (Received August 24.)

SIR: Referring to Mr. Kasson's No. 223, of April 4, last, concerning the case of Ernst F. Heitmüller, I have the honor to transmit herewith a note received from the foreign office informing me that the return of the fine paid by him has been ordered.

It will be perceived from Count Hatzfeldt's note that Heitmüller's statements as to aggravating circumstances in his case are denied by the implicated officials, and the Imperial authorities credit these denials.

As I am advised that Heitmüller can produce no corroborating evidence, I suppose it would be hardly worth while to press the claim further; and this course I shall adopt, awaiting whatever further instruction the honorable Secretary may think proper to send me in the case.

I have, &c.,

GEO. H. PENDLETON.

[Inclosure in No. 47.—Translation.]

Count Hatzfeldt to Mr. Pendleton.

FOREIGN OFFICE, Berlin, July 28, 1885.

Referring to the note of the legation of the 29th of January last, relating to the penal case against Ernst F. Heitmüller, who had emigrated to the United States and become naturalized there, and while returning its inclosure, the undersigned has the

honor to communicate the following to Mr. George H. Pendleton, envoy extraordinary and minister plenipotentiary of the United States of America.

Ernst Freidrich Heitmüller, born at Hüpede on the 25th of December, 1860, was by a valid judgment of the land court at Hanover, dated June 19, 1882, sentenced to pay a fine of 300 marks or suffer two months imprisonment for violation of military duty. Having returned to his native place on December 5, 1884, he was on the 11th of that month arrested by order of the "Kreis-Hauptmann" at Wennigsen and conducted to the prison at Hanover to suffer his punishment. He was expressly informed at the time that he could avert his imprisonment by the payment of the fine. On the 6th of January following, the amount of 300 marks (actually paid in cash 240.54 marks) was paid and he was on the same day set at liberty.

There was then paid back to him the surplus amount of 59 marks and 46 pfennigs remaining after the deduction of the costs arising from the examination and execution of judgment as well as of the remainder of the fine. Thereupon the remainder of the fine imposed, in so far as the same had not been canceled by the imprisonment, was remitted by the Imperial pardon, and the repayment of the entire sum of 300 marks was ordered.

As regards the complaints stated in the note referred to, the investigation instituted has shown that the "Gemeinde-Vorsteher" (chief magistrate), Hüpede, was not occupied with the matter at all, and also that Heitmüller made no assertion of his American citizenship either to the gendarme who arrested and conducted him to the prison or to the "Kreis-Hauptmann" (circuit chief) of Wennigsen, who directed his conveyance thither. Just as little did he call the attention of any of the prison officers to his American certificate of naturalization, and to none of them did he declare that he wished to pay the fine or that he desired to write a letter. In particular he made no such declaration to the inspector in chief, who visited his cell several times and spoke with him. It is true that upon his delivery at the prison there was taken from him by the "Hausverwalter" (house manager), in addition to his other effects, his American certificate of naturalization; but no reproach can be made to that official for making no particular announcement of the fact, as the latter manifestly did not know the significance of this document in a foreign language, and could not estimate the consequences to Heitmüller that might be connected therewith. That Heitmüller asserted his American citizenship to the Hausverwalter is distinctly denied by that official. The state attorney at Hanover first learned of the American citizenship of Heitmüller when the latter, *after* his release, personally made claim to the repayment of the entire amount he had paid. The occurrence explains itself, therefore, by a mistake for which responsibility can hardly be imputed to the officials concerned.

The undersigned avails, &c.

V. HATZFELDT.

No. 306.

Mr. Pendleton to Mr. Bayard.

No. 55.]

LEGATION OF THE UNITED STATES,
Berlin, August 31, 1885. (Received September 14.)

SIR: I have the honor, replying to the inquiries relating to the case of David Lemberger, contained in your instruction No. 24, of the 1st instant, to inform you as follows:

In the letter of August 21, 1884, submitting the case of David Lemberger, Mr. George L. Catlin, then our consul at Stuttgart, informed this legation that Lemberger's father, Moses Lemberger, had last returned to Germany in 1875, and had since been engaged in business at Rexingen, in Wurtemberg.

Our present consul at Stuttgart, Mr. Kimball, has now, at the request of the legation, furnished further information respecting the residence and action of father and son. This information is contained in a letter of which a copy and translation are herewith inclosed, addressed to the consul by the father, from whose statements it appears that the father has resided at Rexingen ever since his return in Germany in 1875; that both father and son still reside there; that the father is now

looking for a place at which his son can acquire German allegiance on the cheapest terms, and that citizenship at Münster, in Wurtemberg, has been promised the son.

This fact, as to the return and residence of the father, was within the knowledge of this legation at the time of the receipt of Count Hatzfeldt's note of July 11, last, and precluded therepy which occurred to the Secretary of State, and would have been very pertinent had the fact been otherwise.

I have, &c.,

GEO. H. PENDLETON.

[Inclosure in No. 55.—Translation.]

Mr. Lemberger to Mr. Kimball.

REXINGEN, August 24, 1885.

I will answer your letter at once. I came with my family in 1870 to Wurtemberg, and returned to America without them in 1874, where I staid for about fifteen months, returning here again, where I have since lived, in 1875. My son has not yet obtained German allegiance. I have been looking about me to see where it could be obtained most cheaply. I was at Münster, Oberamt, and Cannstadt, where my son has been promised citizenship when the matter shall have been decided by the Imperial office.

My son is still here with his parents.

M. H. LEMBERGER.

No. 307.

Mr. Pendleton to Mr. Bayard.

No. 100.]

LEGATION OF THE UNITED STATES,
Berlin, November 2, 1885. (Received November 16.)

SIR: I have the honor to inclose herewith the annual report of the "military cases" (prepared by Mr. Coleman, secretary of legation), which have during the past year required the attention of this legation and been brought to a conclusion. The inclosure embraces cases Nos. 107, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, and 128. Pending cases are reserved for a subsequent report.

I have, &c.,

GEORGE H. PENDLETON.

[Inclosure in No. 100.]

Annual report of "military cases."

(107) *Louis Lang*.—Born at Wadern, in Prussia, July 27, 1853; emigrated to the United States, at the age of twenty-three, in April, 1876; naturalized April 27, 1881.

After some correspondence Lang furnished the legation with the necessary details of his case on the 18th of September, 1883, and on the same day the legation submitted to the foreign office his statements and complaint, which were as follows: Lang returned on a visit to Germany on the 7th of September, 1883, intending to return to the United States in about a year. He was at once ordered by local authorities, under a judgment of the royal land court at Trier, dated October 26, 1878, to pay a fine of 300 marks for alleged violation of military duty, or to suffer one month's imprisonment. The local authorities having refused to comply with certain directions contained in the Prussian ministerial decrees issued to enforce the treaty of February 22, 1868, which Lang, at the instance of the legation, had submitted to them, the le-

gation inclosed his certificate of naturalization, and begged that the foreign office would cause the case to be investigated, and the fine imposed to be remitted, if the facts were found to be as stated. Lang was on the same day informed of the action taken in his behalf.

On the 22d of September Lang advised the legation that he had been compelled to furnish security for the amount of his fine. On the 27th of September the foreign office notified the legation that an investigation had been ordered, and at the same time returned Lang's certificate of naturalization. On the same day this intelligence was conveyed to Lang, and his citizen paper sent back to him. On November 25, 1884, nothing more having been heard of the case, the legation wrote to Lang to ascertain how it stood, but received no answer, from which it was inferred that he had returned to the United States. Nothing further has been heard from him. A similar inquiry was thereupon addressed to the foreign office, from which a reply was received stating that a decision had not yet been reached. It was not until July 20, 1885, that the legation was informed by the foreign office of the final decision—that all proceedings against Lang should be discontinued.

Cases Nos. 108 to 114, both inclusive, are contained in the general report accompanying Minister Kasson's dispatch No. 61, of November 3, 1884.

(115) *David Lemberger*.—Born in the United States July 28, 1862, as the son of an American citizen of German birth, naturalized March 23, 1860.

This case was laid before the legation by the United States consul at Stuttgart on August 22, 1884, and a passport for Lemberger was applied for at the same time. The legation on the same day submitted the following statements and complaint of Lemberger to the foreign office, inclosing with them, as evidence of his citizenship, the passport issued to him in response to his application: Lemberger had come to Germany in May, 1870, and was residing at Rexingen, in Wurtemberg. He had been mustered into the 105th infantry regiment and ordered to appear for service on the 6th of November following. He had been born in the United States, had never been naturalized in Germany, was in no sense a German subject, and was not liable to military service. An early investigation of the case and Lemberger's release from military service were requested in case his statements were found to be correct. Lemberger was at once informed, through the consulate at Stuttgart, that intervention in his behalf had been made. On April 1, 1885, the foreign office notified the legation that Lemberger's name had been stricken from the army rolls, on the ground that the investigation had shown that he could not be regarded as a German subject. Lemberger was at once advised of the favorable result reached, and his passport was returned to him through the consulate at Stuttgart.

David Lemberger appears again in "military case" No. 126.

(116) *Gerhard Wientjes*.—Born at Bocholt, Prussia, in 1861; emigrated at the age of thirteen with his parents to the United States; personally naturalized August 5, 1884.

The statements and complaint of Wientjes, received at the legation on September 8, 1884, were on the following day submitted to the foreign office, and were as follows: Wientjes returned to Germany on a visit about the 1st of September, 1884. On the 4th of that month a sheriff's officer came to him and presented a summons from the royal amts court of Bocholt requiring him to pay 160 marks for neglect of military duty, under penalty of having his property seized and sold. In default of payment, Wientjes's watch, chain, and other effects were seized, and were to be sold on the 12th instant unless the sale should be countermanded. The foreign office was informed that Wientjes desired to leave Germany at an early day. A prompt investigation and the return of Wientjes's property and the remission of the fine imposed were requested in the event of its being found that the facts were as stated. Wientjes' certificate of naturalization and other papers were inclosed as evidence of the facts, and the communication was marked "urgent." Wientjes was on the same day notified that the legation had intervened in his behalf.

On the 13th of September the foreign office was notified that the order of sale had been countermanded; that an investigation had been instituted, and that the result of the same would be duly communicated. On November 6 following the legation received a letter from Wientjes' attorney informing it that his jewelry and other effects had now been returned by the authorities, and requesting that Wientjes' passport (meaning certificate of naturalization) should be sent to him in order that he might transmit the same, with the other personal effects, to Wientjes in the United States, whither he had returned on the 17th of September. He was informed in reply that Wientjes' papers would be returned as soon as they were received back from the foreign office.

Though the case was practically settled, the legation, in order to perfect its files, addressed the foreign office on April 30, 1885, asking what result had been reached. A reply, with which Wientjes' papers were returned, was received on the 6th of May following, stating that all proceedings against him had been discontinued. Wientjes was, on the same day, notified of this decision, and his papers returned to him through his attorney at Bocholt.

(117) *Charles Weniger*.—Born at Königsee, in Germany, in 1861 (day not stated); emigrated to the United States in 1872; naturalized June 3, 1884.

The Department of State, in its instruction No. 5, of August 22, 1884, directed the legation to investigate the case of Charles Weniger, residing in New York City, and to take such action in his behalf as the facts should warrant. The legation addressed the foreign office in a note dated September 29, 1884, submitting Weniger's statements and complaint, which were as follows: He emigrated to the United States in 1872 at the age of twelve years with his mother; his father having preceded them the previous year. Weniger had always resided in the United States since his emigration. A notice had appeared in the official journal at Königsee summoning Weniger to appear for military duty, in default of which his inheritance, derived from his mother, would be seized. The father was also verbally summoned by the sheriff to produce his son.

The foreign office was requested, in view of the facts set forth, to cause Weniger's name to be erased from the military rolls, and the proceedings against his inheritance to be annulled. On the same day the legation informed the Department that it had intervened in behalf of Weniger. On December 8, 1884, a note was received from the foreign office informing the legation that all proceedings against Weniger had been discontinued, and that his name had been stricken from the army rolls. This decision was at once communicated to the Department of State in dispatch No. 99 of December 8, 1884.

(118) *Theodore Petersen*.—Born at Osterterp, Schleswig, May 4, 1860; emigrated to the United States October 23, 1878; naturalized November 27, 1883.

After some previous correspondence, by which the necessary particulars of the case were obtained and an effort made to induce the local authorities in Schleswig to withdraw an order of expulsion from the country pronounced against Petersen, by sending him, to be exhibited to them, certain Prussian ministerial decrees issued to enforce the treaty of February 22, 1868, the legation, under date of October 7, 1884, presented the following statements and complaints of Petersen: In January, 1884, Petersen returned to Osterterp on a visit to his relations, intending to return to the United States after the completion of his visit. At the time of the act complained of he was sojourning at Osterterp, respecting all the laws and living in a peaceable and orderly manner. In the latter part of August last he was summoned to appear before the *hardesvogt* (sheriff), and verbally told that he must leave the country within three days. No cause was known and none was alleged for this official order, and the officer refused to put the order in writing. Finally, being threatened with imprisonment if he remained, Petersen left in obedience to the order of expulsion. The early attention of the foreign office was requested in the case, and the hope was expressed that the facts as alleged might be investigated and that, upon their verification, the order of expulsion and all proceedings thereunder might be revoked. Petersen was at once notified through his attorney at Osterterp, he having himself left the country and gone to Denmark, that intervention had been made in his behalf.

On the 14th of October the foreign office notified the legation that an investigation had been ordered, and that the result of the same would be communicated when reached. Some correspondence ensued between Petersen and the legation relating to his future address and the progress made in the case. On the 11th of December following the foreign office informed the legation that the investigation made had shown that Petersen had participated at Osterterp, in the month of June last, in a demonstration hostile to Germany, and of a decidedly provocative character, made by inhabitants of Northern Schleswig, and having for its aim enterprises involving high treason against the Government and the German population of the country. The Prussian Government had considered it requisite, in the interest of public order, to expel from Prussia all foreigners who took part in that affair, and who, by so doing, abused the residence permitted them within the territory of that state. In consequence thereof expulsion had also been decreed against Petersen. The foreign office expressed regret at the impracticability, under the circumstances, of causing a change to be made in the measures which had been taken. On the date of the receipt of the foregoing note, Petersen was informed of the decision arrived at in his case, and a copy of the note containing the same was transmitted to him. The case was fully reported to the Department of State under date of December 15, 1884, in dispatch No. 101.

On January 18, 1885, Petersen wrote to the legation denying that he had been guilty of the acts charged against him, asking that intervention in his behalf might be repeated, and requesting the return of his papers. These were at once transmitted to him, but his request for further intervention could not, under the existing circumstances, be complied with.

(119) *Ferdinand Revermann*.—Born at Naperville, Ill., October 17, 1860; called in person at the legation on the 31st of October, 1884, and stated his case.

The legation, on the same day, communicated to the foreign office his statements and complaint, which were as follows: The father of the young man in question,

Henry J. Revermann, emigrated to the United States in 1850; was duly naturalized in 1856, and resided there continuously until 1871, in which year he returned to Germany provided with a passport for himself and family as American citizens. The Landrath at Münster certified in 1880 that, as the son Ferdinand was born a citizen of the United States, his name would be stricken from the military rolls, and this was done. He was, however, on the 11th of October of the same year, summoned before the Landrath at Münster, and told that, by order of the Royal Government at Münster, he must either become naturalized in Germany or leave the country. Against this action he appealed by protest to the said Royal Government, and on the 17th of October received a reply declining to modify the order and directing his expulsion in case of his failure to apply for naturalization within three days. He declined to be naturalized, and applied for four week's time to prepare for leaving the country, also offering security that at the end of that time he would leave. In answer he was told verbally to leave by November 1, or he would be put out or into prison. He claimed to have conducted himself in a peaceful and orderly manner while living in Germany as a native American citizen, in perfect obedience to the law.

In view of the imminence of the date fixed for the forcible expulsion of said Ferdinand, the foreign office was requested to take such measures that the order complained of might be at once suspended, until the investigation should be made, and that if the facts should be found to be truly stated, the order might be wholly revoked.

According to intelligence received by the legation from Revermann, under date of November 8, he had not, up to that time, been expelled.

On January 2, 1885, a reply, dated December 31, 1884, was received from the foreign office, conceding the correctness of the statements of fact made in the note of the legation respecting Revermann's case, but declining to cause a change to be made in the measures taken against him. Prompted by some other cases which had arisen, the Imperial Government had already assumed the task of causing a close examination to be made respecting the legal status of the sons of those Germans who, as naturalized citizens of the United States of America, had, during the minority of their sons born in America, returned in their company to Germany to reside there permanently.

As regards the fathers of such sons, no doubt could exist that they were to be regarded as having renounced their naturalization by a longer sojourn in Germany than one of two years, as provided in the treaties regulating nationality, concluded with the United States in 1868; but it was conceded that the sons of such persons were American citizens, and that they could not be made to perform military service in Germany. International principles, however, permitted the refusal to such persons of sojourn in Germany, and the adoption of measures against them, as soon as such a course should seem requisite in the interest of public order. Such condition was assumed to exist by the German Government when the actual circumstances indicated that the persons in question used their American citizenship for the purpose of withdrawing themselves from the duties, and in particular from the military duty, devolving upon the domestic population, without being disposed to abandon their permanent sojourn in Germany and the advantages connected therewith. The United German Governments proposed to act in the future, with respect to all such cases, in accordance with the principles thus presented. The decision in his case was communicated to Revermann.

On the 5th of January the legation addressed a note to the foreign office offering some observations upon the contents of the note of the foreign office, and stating that the questions involved in the case were reserved for the consideration of the Government of the United States.

Under date of January 6, 1885, the legation reported the case, with the correspondence with the foreign office, to the Department of State. On February 7, following, the Department communicated to the legation the views of the Government of the United States upon the principles stated in the communication of the foreign office of December 31, 1884, directing that these views, in large part essentially at variance with those stated by the German Government, should be laid before the foreign office. This was done in a note dated February 25, 1885.

On the 16th of the following May the foreign office replied, contending that their interpretation of the treaties of 1868, as giving the German Government the right to treat returning naturalized Americans, residing in Germany for more than two years, as having renounced the nationality acquired by naturalization, was correct; but intimating that a harsh use of this right would not be made. The inherent right to expel foreigners when deemed proper, before claimed in the note of December 31, 1884, was also reasserted.

On the 19th of May, 1885, the legation transmitted to the Department of State, with comments thereon, the latest correspondence with the foreign office on the subject. Nothing more was heard at the legation of Revermann, father or son, after the decision of the foreign office respecting the latter was communicated to him.

(120) *Ernst F. Heitmüller*.—Born at Hüpede, Germany, December 25, 1860; emigrated to the United States January 20, 1878; naturalized November 10, 1884.

Heitmüller appeared in person at the legation and made the following statements and complaint, which the legation submitted to the foreign office on the 29th of January, 1885: He had, for the first time since his emigration, returned to Germany a few weeks before for a temporary visit in order to collect a sum of money inherited by him, arriving at Hüpede on the 5th of December, 1884. On the 9th of that month he announced his presence to the magistrate of the town, stating his purpose to remain about six months to collect the inheritance, and at the same time exhibited his certificate of naturalization as an American citizen. Two days later a gendarme came to the house of his step-mother, where he was staying, and said he would arrest him and take him to Hanover, adding that if he had money he could go by rail, otherwise they would have to walk—a distance of some 9 miles. He inquired for what he was arrested. The gendarme replied that it was not yet certain that he had arrested the right man. On his arrival at Hanover he was taken to the jail (Zellengefängniss), where a police official caused all of his personal effects, money, citizen paper, and other papers, to be taken from him. He called attention at the time to his American citizenship, and to the paper proving it. The official made a note on a protocol or paper, and Heitmüller was then conducted to a cell. On the next day, December 12, he was brought before another official, who said to him, "You are Friedrich Heitmüller, and have been fined for evasion of military duty." He replied, "My name is Ernst Heitmüller," and he was then sent back to his cell. On the day following, December 13, he was brought again before the official, who told him that he had been fined 300 marks for evasion of military duty, which amount he must pay, with cost. He answered that he had not the money with him, but would procure it if allowed three days' time. He was informed that this could not be done, but that he should announce to the officer in charge of the jail that he wished to write a letter. He was then taken back to his cell again, and demanded of the jailer to obtain for him from the officer in supreme charge permission to write a letter. The jailer put him off from day to day, and finally informed him that he could not write until he had passed a month at the prison. His cousin, meantime, found out his place of confinement and visited him in the prison on the 3d of January. The facts were reported immediately to Heitmüller's uncle, who, on January 5, was permitted to pay the fine and obtain his release. In the payment of the fine an allowance at the rate of 5 marks per day during an imprisonment of twenty-six days, was made—130 marks—and a balance of 240.54 marks was paid in money.

The legation requested that the alleged facts might be investigated, and expressed the hope that, if the statements were found to be correct, the German Government would appreciate the gravity of the offense committed by the local officers referred to, against a peaceful American citizen, who gave them the proof of the citizenship which exempted him from military liability according to the treaty of 1868, and the explicit orders of the minister of justice (July 5, 1868) and the minister of the interior (July 6, 1868). The offense appeared to be aggravated by the unusual denial of the privilege of communicating by letter with either his relations or the officers of his own Government, and by the unnecessary prolongation of his confinement. Under these circumstances, if verified, it was hoped that the German Government would not find its sense of justice satisfied by the refunding of the fine, but would also find a method of signifying to the offending officials its sense of the unusual hardships inflicted upon the complainant without cause. In conclusion, the ultimate return of the inclosed certificate of naturalization was requested.

Under date of February 3, following, the foreign office informed the legation that an investigation had been ordered, the result of which would be duly communicated. Some correspondence ensued between Heitmüller and the legation respecting the progress of his case, the present custody of his citizen paper, and the address to which he wished it to be ultimately returned to him.

On April 4 the legation made a preliminary report of the case to the Department of State, and was informed in reply, under date of the 23d of the same month, that the action taken by the legation was approved, and that further instructions would be deferred until the promised reply from the foreign office was received. In the mean time the legation had, at the request of Heitmüller, who was about to return to America, furnished him with a written statement, needed to facilitate his departure from Germany, that his certificate of naturalization was in the hands of the German authorities.

On the 10th of August following, the legation transmitted to the Department of State a copy of a note, dated July 28, 1885, received from the foreign office, informing the legation that the return of the fine paid by Heitmüller had been ordered, but that the implicated officials denied his statements as to aggravating circumstances, and that the imperial authorities credited those denials. The legation stated at the same time that it would take no further action in the case, unless the Department should otherwise instruct.

On the 11th of August the legation notified Heitmüller of the decision reached in his case, inclosing a copy of the note received from the foreign office, and returning his citizen paper. Under date of August 26, 1885, the Department of State expressed to the legation its gratification at learning of the repayment to Heitmüller of the fine. Nothing has been heard from Heitmüller at the legation since the decision in his case was communicated to him.

(121) *Frank Austin, alias Ferdinand Ostertag*.—Born at Berlin, Prussia, in February, 1853 (or 1852); emigrated to the United States in 1871 or 1872; date of naturalization uncertain.

On March 19, 1885, Benno Ostertag, Austin's brother, and, on the 23d of the same month, Isaac Doss, called at the legation and made sworn statements of the facts in the case, which seemed satisfactory as to its merits and appeared to sufficiently establish the identity of Frank Austin with Ferdinand Ostertag.

On the 24th of March the legation submitted to the foreign office the following statements and complaint in the case: It appeared that the family name of the complainant, and that by which he was known at the time of his emigration, was Ostertag, his first name at that time being Ferdinand. It was alleged that he was born at Berlin about the month of February, 1853 (or 1852), and emigrated to the United States about the year 1871, where he had since resided, and where he was duly naturalized under the name of Frank Austin. He had returned on a visit to Germany in January last, and was arrested at Berlin on the 19th of March on a judgment for violation of military duty, condemning him to pay a fine of 150 marks, and was taken to Rummelsberg, near Berlin, where he was then confined. His naturalization paper was in the hands of the recruiting commission at Berlin, and the precise date of his naturalization could not therefore be given. Being in prison, the complainant could not give the legation personal information; evidence had, however, been produced at the legation showing that the said Ostertag and Austin were one and the same person; that after his arrival in America he had changed his name, as many other foreigners had done, only for the purpose of adopting one more in harmony with the language and use of his adopted country; that he was always known thereafter by the name of Frank Austin, had conducted his correspondence in that name, and had been so naturalized. Austin being exempt by the terms of the treaty of February, 1868, from the proceedings taken against him, it was hoped that the case might be speedily investigated, and that he might be released as early as possible, and the judgment be annulled if the alleged facts were found to be true. The evidence of identity on the files of the legation would, if desired, be submitted to the foreign office for examination.

On March 31, 1885, Austin himself called at the legation, and stated that he had been liberated, the remainder of the fine claimed from him, after the deduction of the allowance made for the term of actual imprisonment, having been paid under protest. Some jewelry and a small amount of money belonging to him were still in the hands of the authorities. The legation took his address, and informed him that it had little doubt that his property would be returned to him, together with the fine.

After some intervening correspondence between the legation and Austin's brother touching the progress of the case, the foreign office informed the legation, under date of August 25, 1885, that the fine had been remitted and the return of Austin's property ordered. On the date of the receipt of this note, August 28, the legation notified Austin, through his brother, of the favorable decision reached in his case.

A peculiar feature of the above case was the radical change of name made in the United States, as shown by the complainant's certificate of naturalization, from Ferdinand Ostertag to Frank Austin, the latter not being even a translation of Ostertag. Translations of names had in some earlier cases caused trouble to their bearers, and had necessitated intervention by the legation. In Austin's case it was not surprising that the German authorities should have been unwilling to concede, without satisfactory evidence, the identity upon which the case depended.

(122) *Constant A. Golly*.—Born in Alsace-Lorraine, December 19, 1858; emigrated to the United States in January, 1875; date of naturalization not known; held a passport issued by the Department of State.

After some previous correspondence between the legation and Golly touching his apprehensions that proceedings would be taken against him by the local authorities, Golly informed the legation, in a communication received on April 6, 1885, that he had been definitively ordered to leave the country. On the same day the following statements and complaint of Golly were submitted to the foreign office: The complainant, having been duly naturalized in the United States, and having a passport issued by the Department of State at Washington, on the 1st of April, 1880, made a temporary visit to his aged father at Felleringen, near Wesserling, in Alsace. He again returned for a visit in January, 1884, finding his mother in poor health. His father was dead, and his own assistance was required by his mother, he being an only child. He had continued since the above date to aid the little business on which the family was dependent for support. He had all the while continued in his intention to return to the United States, and was only detained here by the business referred to,

and by the earnest desire of his sickly mother, whom he thought it unfilial to leave under the circumstances. He had been advised that no objection could properly be made to his stay for at least two years. He had, however, now received, under date of March 31, 1885, a notice from the local authorities ordering him to leave the country within seven days, on pain of expulsion. There was no statement of any disorderly conduct. Under these circumstances it was hoped that the foreign office would be pleased to cause orders to be sent to suspend the order until an inquiry could be made into the facts. It was hardly necessary to call attention to the hardships of such an order applied to a citizen of the United States who had embarked in business in aid of an aged parent, on faith of his rights under the treaty while he continued to comply with the laws of the country of his residence. In conclusion, such prompt action and ultimate order as justice and right should require were requested. Golly was, on the same day (April 6), informed of the action which the legation had taken in his behalf.

Under date of April 14 the foreign office informed the legation that a suspension of the measure of expulsion had been ordered, pending the investigation of the case. On the day of the receipt of the above communication, the legation notified Golly of the suspension of the order of expulsion, and, in reply, was thanked by him for its action, under date of April 19. Some correspondence with Golly, touching the progress of his case, ensued, and on May 14 a communication was received from the foreign office, dated May 12, making known to the legation the decision reached in the case.

After some preliminary statements of facts, which tallied with those made by Golly the legation was informed that he had returned to his widowed mother at Felleringen, on the 1st of January, 1884, and had remained there ever since. The mother possessed a not inconsiderable fortune, and carried on a grocery business at Felleringen, the management of which she had for some time past intrusted almost exclusively to her son. Under these circumstances, and in view of the fact that Golly himself had not denied to the German authorities that he had returned to Alsace-Lorraine to reside there permanently, the rules obtaining in Alsace-Lorraine, with respect to persons who have emigrated from there in order to evade military duty, were applied to his case, and he had been expelled from that country by an order of the district president at Colmar, dated March 19, 1885. The execution of the measure had been postponed by the district president until May 7 for the reason that Golly, after receiving the order, had made the declaration that he would probably make application to have Alsace-Lorraine allegiance bestowed upon him. In case he should not apply for renaturalization the expulsion could not be dispensed with, since it would have to be assumed, in accordance with the state of the case, that Golly had only emigrated in order to avoid military duty. The legation at once notified Golly of the decision in his case, sending him a copy of the communication from the foreign office, and, in dispatch No. 261, of May 16, 1885, reported the case, with correspondence, to the Department of State. Nothing further was heard at the legation of Golly, and it is presumed that he has sought renaturalization in Germany.

(123) *Meyer Gad*.—Born in Russian Poland; emigrated to the United States from the province of Posen, in Prussia, in 1879; naturalized September 30, 1884.

After some preliminary correspondence between the legation and Gad, and the legation and the American consul at Breslau, in Prussia, the legation was, on April 20, 1885, placed by Gad in possession of the necessary details in the case, and on the same day presented the following statements and complaint of Gad to the foreign office: Gad, then being a Russian subject, emigrated to the United States in 1879, from which time he had there resided until his recent return to Prussia on a visit, and to dispose of business. He had been naturalized in the United States in due form of law, as appeared by his certificate dated September 30, 1884. He had been ordered to leave Kempen (his place of sojourn in Prussia) prior to his emigration, solely on the ground of his being a Russian subject, no offense being charged against him. His object now was to sell some property belonging to him at or near Kempen, and then to return with his family to the United States for permanent residence. It was now reported to the legation that the Landrath of the district had ordered him to leave, without special cause therefor, *before the 4th of May*, prior to which time he would not be able to complete the disposition of his property. It had always been his intention to return to the United States in August next. Under these circumstances it was hoped that the German Government would find it just to give him the benefits of the treaty, and to direct the local authorities to allow him to complete his lawful business in Prussia, so long as he was obedient to the laws. It was requested that the order of expulsion complained of might be suspended pending an investigation of the facts, and that, if these were found to be correctly stated, an order might be issued in compliance with the complainant's request. Gad's certificate of naturalization was inclosed as evidence of his nationality, with the request for its ultimate return. Gad was, on the same day, April 20, 1885, informed of the action taken in his behalf.

Under date of April 24 the legation was informed by the foreign office that an investigation of the case had been ordered, the result of which would be duly commu-

nicated. On the 16th of June following, some correspondence relating to the progress of the case having ensued between the legation and Gad, the foreign office communicated the result of the investigation made, which showed that the former Russian subject, Meyer Gad, had been expelled from Prussia in the year 1878, after having been discharged from the service of a merchant, Bloch, at Kempen, at that time his master, for several dishonest acts. He had thereupon gone to Austria and then to America, where he had acquired citizenship. As he had never been a German subject, the treaty of February 22, 1868, could not apply to his case. After an application made in 1882 by the wife of Gad, residing at Kempen, for permission for her husband to sojourn there, had been refused, the latter had himself appeared at Kempen, at the beginning of February last, with the purpose of settling there. He was told that he must leave Prussia within six weeks. With this order he had not complied, and later on, in a communication addressed to the Landrath at Kempen, he declared that it was his purpose to commence a business at that place, with a capital of 10,000 marks, which he claimed to possess. From this it would appear, contrary to the assumption contained in the note of the legation, that he had not in reality had even the intention of returning to America.

Although, in general, sojourn in the German Empire, in so far as particular reasons to the contrary might not exist, was permitted to the citizens of the United States, as also to other foreigners, the Royal Prussian minister of the interior was nevertheless of the opinion that the measure of expulsion adopted against Gad before his naturalization as an American citizen must be maintained, and the more for the reason that his personality and past history would not seem to justify exceptional considerations for his wishes. The foreign office expressed regret that Gad's request could not under existing circumstances be complied with.

On June 19 the legation informed Gad of the decision reached in his case, inclosing to him at the same time a copy of the communication conveying that decision. Gad wrote to the legation on the 23d of June, thanking it for its effort in his behalf, and requesting the return of his passport, which was immediately sent to him.

Under date of June 22, 1885, the legation reported the case, with the correspondence with the foreign office, to the Department of State. On July 9 the Department acknowledged the receipt of the dispatch, stating, after various comments on the case, that it did not appear that objection could be made to the German Government's refusal to receive back to the scene of his alleged former misconduct Meyer Gad, who appeared to have been Russian by allegiance of birth, American by allegiance of naturalization, Austrian by allegiance of residence, and German, if he could be, by allegiance of personal election, adding that there was no treaty that covered Gad's case, since he was not a German by origin, but the subject by origin of Russia.

(124) *Frank Buddack*.—Born at Brückenkopf, Prussia, August 3, 1859; emigrated to the United States in June, 1877; naturalized February 6, 1885.

On April 25, 1885, a communication was received from Buddack, in which he informed the legation that he had been arrested and compelled to pay a fine for violation of military duty, and asked that intervention might be made in his behalf. The legation at once replied to his letter, inclosing the customary military case form, to be filled in with the necessary details and returned. This form having been duly returned on April 30, the legation on the same day submitted the following statements and complaint of Buddack to the foreign office (after first reciting the facts as to birth, emigration, and naturalization, as above stated): Buddack had returned to Germany in April, 1885, to make a visit of six months to his relatives, having procured return steamship tickets for himself and wife. On the 23d of that month he was arrested at Nakel, and under judgment of the Landgericht at Schneidemühl, dated June 25, 1880, was compelled to pay a fine of 150 marks, under penalty of being imprisoned for a period of four weeks. It was hoped that the foreign office would kindly cause an early investigation to be made in the case, and the fine paid to be returned, if the facts were found to be as stated. In conclusion, Buddack's certificate of naturalization, and his receipt for the amount of the fine, were inclosed, with a request for their ultimate return.

On the 2d of May the legation informed Buddack of the action it had taken in his behalf. Under date of May 7, 1885, the foreign office acknowledged the receipt of the note of the legation, and stated that an investigation had been ordered, the result of which would be communicated to the legation.

After some correspondence between the legation and Buddack relating to the progress made in the case, and to the purpose of Buddack to return to the United States at an early day, a note was received from the foreign office on August 7, informing the legation that the necessary steps had been taken for the remission of Buddack's fine and the return of his papers. The legation at once notified Buddack of this fact, and at the same time sent his papers back to him. Finally, under date of September 17, 1885, the foreign office informed the legation that the fine had been repaid. This intelligence was immediately conveyed to Buddack who has not since been heard from at this legation, and who has probably returned to the United States.

(125) *Rudolph Lieffert*.—Born at Soest, Prussia, in 1867; emigrated to the United States at the age of two years, where his father became naturalized March 1, 1883, during the son's minority.

On May 6, 1885, Lieffert appealed to the legation to intervene in his behalf, and on same day the legation submitted the following statements and complaint made by him to the foreign office: In the year 1869 Lieffert, then two years old, having been born at Soest, Prussia, in 1867, emigrated with his father to the United States, where the father became a citizen, and where he still resided. At the age of ten years Lieffert was sent by his father to Germany to visit his grandparents, and to acquire an education, and had resided with them at Magdeburg for the last five years. The object of his visit having been accomplished, his father had recalled him to his home in Brooklyn, N. Y. Furnished with papers for his journey to the United States, which, as the legation was informed, were considered sufficient for the purpose by the authorities at Magdeburg, Lieffert was about to depart on the steamship *Polaria*, sailing from Hamburg on the 1st of May, when he was arrested on the suspicion of attempting to evade military duty in Prussia. His money and papers were taken from him and not returned, and he was not released from confinement until a relation had furnished security on the following day. He was thus deprived of the use of his baggage, which remained on the steamship which had already sailed, and he was not permitted to leave Hamburg. He was compelled to rely on his relations there for his support, and he represented his condition to be one of great distress. The legation hoped that the foreign office would have the kindness, in view of the urgency of the case, and if the facts, on investigation, were found to be as stated, to cause the speedy discontinuance of the proceedings taken against Lieffert. On the same day, May 6, 1885, the legation informed Lieffert of the action taken in his behalf, promised to advise him of the result of the same when reached, and advised him to apply, through the American consulate at Hamburg, for a passport, as his arrest had probably been owing to his lack of a document sufficiently attesting his American nationality.

Under date of the 11th of May the foreign office informed the legation that immediate steps had been taken to cause an investigation to be made of the case. On the 23d of June following the legation received a communication from Lieffert informing it that, after a relative had furnished security for his return to Magdeburg, his effects had been restored to him, and he had returned there to await the arrival from America of his father's certificate of naturalization for which he had written, and which had now been received. He also asked to be informed in what manner he could secure an American passport. He was at once instructed by the legation on this point. On the 6th of June he appeared in person at the legation, and stated that his difficulties with the Hamburg authorities had been satisfactorily settled. He applied for a passport, received the same, and proceeded to Hamburg and the United States. His case has thus been practically adjusted, although no final communication on the subject has as yet been received by the legation from the foreign office.

(126) *David Lemberger* (2d case).—Born in the United States, July 28, 1862, as the son of a citizen of German birth, M. H. Lemberger, who was naturalized March 23, 1860.

The legation had already once intervened in behalf of Lemberger to obtain his release from military service, and a successful result had been attained. (See case No. 115.)

After some correspondence with the American consulate at Stuttgart, concerning threats made by the local authorities to Lemberger that he would be expelled from the country unless he became naturalized in Germany, the legation was, on June 3, 1885, informed that this alternative had been definitively presented to him. The case was submitted to the foreign office on the following day. Attention was called to the circumstance that the German Government had recently, at the instance of the legation, caused his name to be stricken from the army rolls. The facts as to his birth and the nationality of himself and father, as presented to the foreign office in a former note from the legation, were recapitulated, and the foreign office was further informed that, while residing at REXINGEN, in WURTEMBERG, and conducting himself, so far as the legation was aware, in a peaceful and law-abiding manner, Lemberger had been notified by the local authorities, under date of May 28th last, that he must acquire German allegiance by the 11th of June following, under penalty of expulsion. The legation expressed the hope that an early investigation of the case might be made, and that the measures taken against Lemberger might be discontinued. Lemberger was at once informed that intervention had been made in his behalf. The foreign office, in reply, informed the legation, on July 13, 1885, that several extensions of time in which to make his election had been granted to Lemberger, the last being to the 20th of July; that it could not advise the authorities at WURTEMBERG to withdraw the order against Lemberger; that those authorities had felt impelled to adopt that measure for the reason that he belonged to the class of persons who employ their foreign allegiance simply for the purpose of evading military service in Germany, re-

ferring in this connection to certain occurrences and principles discussed in the notes from the foreign office, dated April 26 and May 16, 1885 (see case No. 119, Ferdinand Revermann). This decision was at once communicated to Lemberger, and, under date of July 16, 1885, the case was fully reported by the legation to the Department of State, in dispatch No. 36. In reply thereto a communication was received from the Department, making inquiries as to the time of the return of Lemberger's father to Germany, the present residence of father and son, and the action taken by them since the communication to the son of the decision reached in his case.

After making an investigation as to such of these facts as were not already known to it, the legation informed the Department, in dispatch No. 55, of August 31, 1885, that Moses Lemberger, the father, had returned to Germany in 1875, and had ever since been engaged in business at Rexingen, in Wurtemberg; that both father and son still resided there; that the father was looking for a place at which his son could acquire German allegiance on the cheapest terms; and that citizenship at Münster, in Wurtemberg, had been promised the son.

(127) *C. L. George* (unfinished).

(128) *Jacob Wilhelm Thraenert*.—Under date of August 18, 1885, one Kobolke, a German subject, wrote to the legation, informing it that his nephew, Jacob W. Thraenert, a native citizen of the United States, sojourning in Berlin, had been ordered to leave the country. In reply, he was requested to come with his nephew to the legation to furnish it with the necessary details in the case. This he did, and on August 22, 1885, the legation submitted the following statements and complaint of Thraenert to the foreign office: Jacob W. Thraenert, a native-born citizen of the United States, had been required to leave Prussia within fourteen days from the 14th of August. His father, Heinrich Thraenert, emigrated in 1854 to the United States, and in due time became a naturalized citizen there. He resided at Aurora, in the State of Indiana, where his son, Jacob Wilhelm, was born on the 18th day of January, 1865. The father died at Aurora in 1873, and two years later the son came to Germany in company with his mother, who had since married again. He had lived in several places in Saxony, and in each had practiced his trade as a basket-maker, first as apprentice and afterwards as workman (*gehülfe*). Some eight weeks ago he had come to Prussia and to Berlin, where he was then working at his trade with the basket-maker O. Fiebig, and contributing from his earnings to the support of his uncle, Adolph Kobolke, residing in Berlin, and a native-born subject of Prussia, whose allegiance had never been abandoned. The testimonials which Thraenert held from his former employers showed him to be an industrious, faithful, and orderly person, and it was understood that his present employer concurred in this testimony. He had some time ago received from his elder brother, a native of the United States, living in Texas, money to pay the expenses of his return to America, and he would have returned at that time but for the fact that, without his fault or connivance, the money was lost to him. He had never abandoned his citizenship or residence in the United States, and intended to return there. When, in obedience to a summons, he appeared at the office of the chief of police, no other reason for the order expelling him was given than that he was a foreigner. In view of the rapid approach of the day designated for his departure, the hope was expressed that the foreign office would cause an early investigation of the case to be made, and the order to be revoked upon verification of the alleged facts. In conclusion, it was requested that Thraenert's certificate of birth and the order for his expulsion, which were inclosed, might be ultimately returned.

Under date of September 13, 1885, the legation received a note from the foreign office, of the following import: Thraenert had, under a judgment of the *schöffencourt*, at Döbeln, Saxony, dated May 9, 1885, been sentenced to and had suffered an imprisonment of ten days. On the ground of this punishment the police president had, on the 14th ultimo, decreed Thraenert's expulsion. As the sojourn in Prussia of foreigners who had been punished was, on principle, not permitted, the appropriate authorities had not found themselves in a position to direct the revocation of the order of expulsion issued against Thraenert. The legation at once wrote to the basket-maker, Fiebig, requesting him to bring Thraenert to the legation to learn the result of the investigation of his case, made by the foreign office.

On the 23 of September Thraenert called at the legation, asked for the return of his papers, and stated that he had been verbally informed by a police officer that he might remain in Berlin. This permission was, as the sequel showed, erroneously understood by Thraenert to mean that the order for his expulsion had been wholly withdrawn. It was, no doubt, intended to operate only until the police should receive definite instructions from the higher authorities. The legation informed Thraenert of the contents of the communication received from the foreign office in his case, and returned his papers. On the 21st of October, Thraenert returned again to the legation, and presented a notification in writing from the police president, reiterating the earlier verbal order of expulsion, and informing him that he must leave Prussia within fourteen days of the date of the service of the document, under pen-

alty of forcible expulsion. He said he was quite willing to go, provided he could procure in time the money necessary to defray his traveling expenses to America.

From the statements made to the legation by Thraenert, and by his master, the basket-master, it appeared that the offense committed was technical rather than real. He, and other young men, had been summoned or permitted to assist in extinguishing a fire that had broken out in an inn in a small town in Saxony. With the consent of the owner of the inn, some of the young men thus assisting, Thraenert not being of the number, brought up from the cellar some beer for the refreshment of the party, and brought with it, but without the owner's consent, some wine. Thraenert's offense, as alleged, consisted only in partaking of this wine, which he drank on the spot. The legation was favorably impressed by the appearance and demeanor of young Thraenert, and was assured by his uncle and by his master that he was of good moral character and not capable of willful injury to any one.

No. 308.

Mr. Bayard to Mr. Pendleton.

No. 80.]

DEPARTMENT OF STATE,
Washington, December 18, 1885.

SIR: I herewith inclose to you a copy of a report of the Solicitor of this Department upon the interpretation to be given to the fourth article of the treaty between the United States and the North German Confederation, and especially to that clause of the article which provides that intent not to return to the country of adoption may be held to exist when the person naturalized in the one country resides more than two years in the other country.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 80.]

Report of the Law Officer of the Department of State.

DEPARTMENT OF STATE,
Law Bureau, March 20, 1885.

SIR: In the treaty between the United States and the North German Confederation, the fourth article provides as follows:

"If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in North Germany renews his residence in the United States without the intent to return to North Germany he shall be held to have renounced his naturalization in North Germany. *The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.*"

An important question has been referred to me which involves the lines underscored in the above article. The question is this: Is the residing for more than two years by a person naturalized in his country of origin an irrebuttable proof of an intention not to return to the naturalizing country?

As the same question arises under the treaties with Baden, Bavaria, Hesse-Darmstadt, and Wurtemberg, I propose, in response to the inquiries put to me, to give it a detailed examination. In doing so I beg to state that I have given careful consideration to the excellent report from Mr. Denster, of the Foreign Affairs Committee of the House of Representatives, submitted on the 17th of February, 1885.

No legislation, however, took place in conformity with the recommendations of this report, and I am obliged to consider the question irrespective of any prescription of the law-making power. The question, I would also beg to say, is one that arises constantly in the municipal jurisdiction both of Germany and the United States. The position that I now propose to take has been accepted as authoritative in both

countries. This position is, that a statutory permission to make a particular mode of proof of a contested fact admissible, does not exclude other modes of proof; and that when the statutory proof is produced it is, unless otherwise prescribed in the statutes, as much open to rebuttal as are other modes of proof. This position I now proceed to illustrate from our own jurisprudence, remarking that the same position is taken by German authorities on the law of evidence.

(1) I notice, in the first place, statutes permitting depositions to be read in certain classes of cases in which, in common law, they would not be admissible. Those statutes usually run in the same words as those underscored in the article before us. They provide that such proof *may* be received. No one ever pretended that the enactment of such a statute makes the depositions so provided for the exclusive mode of proof of the litigated facts, nor that the facts they state are irrebuttable.

(2) Another illustration may be found in the statutes providing that exemplification of deeds *may* be received in evidence. Here, again, no one would question that the original deed would be admissible, or that the existence or efficacy of such an exemplification could not be impeached on grounds of fraud or non-execution.

(3) A third illustration may be found in the statutes which provide that the statutes of foreign States may be proved from the printed statute books. Here, again, it has always been conceded that such a statute does not exclude other proof of foreign statutes, and that the evidence which statutes are supposed to give may be rebutted.

I now proceed to take up more particularly the question whether statutes providing that intent may be proved in a particular way prescribe such way as exclusive and irrebuttable. We have numerous statutes of this class in this country, and similar statutes or judicial rulings are to be found in German jurisprudence.

I notice, in particular, so far as this country is concerned, the following illustrations:

(1) Statutes which prescribe that having in possession counterfeit coin in quantities may be proof that such coin is held for illegal purposes. Now, we have numerous decisions from our courts to the effect, on the one side, that such proof is not exclusive proof of intent, and that on the other side, when offered, it is rebuttable.

(2) Statutes have also been enacted in several States providing that carrying dangerous weapons about the person may be presumed to be for an illegal object. Now, in no case under such statutes would it be maintained that so carrying such weapons is the sole proof of intent, or that such proof, when admitted, cannot be rebutted.

(3) We may also turn to the statutes prescribing that having illicit or contraband goods in possession shall be regarded as proof of an intention to dispose of such goods in violation of law. Very many statutes of this class have been passed in reference to the sale of intoxicating liquors, and similar statutes have been adopted as part of the revenue system of the United States. Here, again, it would not be pretended either that the possession of the illicit or contraband articles is the sole proof of the illegal intent, or that when such proof is offered it could not be rebutted.

(4) The fourth illustration may be found in the recent statutes adopted in England and the United States, providing that parties may be witnesses in their own cases, coupling these statutes with the judicial interpretation assigned to them, that parties, when their intent is disputed, may prove what that intent was. No one in this country would have the audacity to maintain that such statutes preclude any other proof of intent than that which the parties themselves should give, and that the evidence of the parties when given should be irrebuttable.

The North German code provides also for numerous cases in which parties may be admissible. Yet nothing is more remarkable in German jurisprudence than the elaborate energy with which, in cases of all classes, extrinsic facts are appealed to for the purpose of giving a supplementary proof to the testimony of parties, or of controverting such testimony by contradictory proof.

I therefore maintain that, even though the treaty had prescribed peremptorily, that when a person naturalized in the one country resides more than two years in the other country, the intent not to return is to be held to exist, this would not exclude other proof of an intent not to return, nor would it be insusceptible of rebuttal by proof that he did intend to return. Our courts have frequently so held when construing statutes providing that intent or other litigated facts are to be proved in a particular way. But the treaty contains no such peremptory direction. It does not say that the intent not to return *shall* be held to exist, but it says the intent not to return *may* be held to exist.

It is clear, therefore, that this method of proof of the *animus manendi* is not the only mode by which such *animus manendi* may be proved. It would be perfectly competent for a German by birth, who had been naturalized in the United States, to renounce his naturalized allegiance in one week after his return to Germany. It would be perfectly competent for the German Government in such cases, or in cases in which the returned subject had remained over two years in Germany, to offer other proof besides that of the remaining, to prove that he had intended to resume his allegiance of birth.

And, on the other hand, it would be perfectly competent for such a citizen, either before or after the two years had elapsed, to say that it was his intention not to remain in Germany, but to return to the United States. The question, it will be observed, is closely related to that of domicile. No matter how long a resident in a particular country has remained there, his domicile is in the country of his origin, if he intends to return to it as his final home. No matter how short a time an emigrant may be in the country to which he emigrates, his domicile is established there if he intends permanently to remain.

For the construction that is here given to the treaty two arguments drawn from the condition of things as presented to the negotiators may be here adduced.

(1) It can hardly be supposed that Germany intended to repel from her soil the multitude of naturalized citizens of the United States, who, born in Germany, desire to return and reside there for periods exceeding two years.

I will take as an illustration of this Germans naturalized in the United States who go to Germany for literary and business purposes. Many of these persons require a residence of over two years in Germany to effect their object, and it is most unlikely that the negotiators intended to exclude from Germany men such as these, whose presence in matters of literature might adorn, and in matters of business might benefit the country of their temporary residence. It is well known that the selling agents of many great manufacturers and producers, both in Germany and the United States, are in the habit of remaining often over a period much greater than two years in the place of their agency, and it cannot be questioned that the continual presence of such agents, retaining as they do their allegiance to the country from which they are sent, is greatly conducive to the business prosperity of the country in which their agency is executed. Yet the clause before us would preclude inexorably a stay of such agents beyond the period of two years. And even a more striking instance of the improbability of the construction I here contest is to be found in the case of the children of German parents naturalized in the United States, when such children go to Germany for education. Several thousand students from the United States are said at present to be in Germany. A large proportion of these are children of Germans naturalized in the United States. No thorough course of education in Germany could be obtained if the limit of study be two years. The benefits of such thorough course of study both to Germany and the United States cannot be disputed, and it is still less open to dispute that there are multitudes of German parents, who, though naturalized in and truly loyal to the United States, are attached to the literature of their native land and to its system of education and discipline and who desire that their children should have the advantages of German educational institutions. It is hardly to be supposed that the negotiators of this treaty intended to put a stop to the enjoyment of such advantages by the children of naturalized Germans when they are open to the children of citizens of the United States by birth. It is not likely that the German negotiators of the treaty in particular would in this as well as in the other cases have discriminated so seriously against their own country.

(2) A final objection to this construction to which I now turn has already been taken by the American minister at Berlin. If at the expiration of two years' residence in Germany, a German naturalized in the United States loses his American nationality, he becomes without any nationality whatsoever, so far as the treaty is concerned, since by the treaty there is no provision made for the resumption of his German nationality. He would, therefore, be in the extraordinary condition of a person without any national ties or allegiance. That he should be allowed to resume his old nationality when he desires is not strange; but it would be very strange, if, without any such desire on his part or any action justifying it, he should thus, by the mere expiration of time, be absolutely deprived of any political status whatsoever.

In several treaties that have been negotiated by the United States on this topic it is provided that the presumption of intent drawn from a residence of over two years should be open to rebuttal. Perhaps, as a matter of excessive caution, it might be desirable to adopt an article additional to the treaty before us, providing that a two years' residence in the country of origin should only be regarded as *prima facie* proof of renunciation of American naturalization, such proof to be open to corroboration on the one side and to rebuttal on the other side; but it should be clearly understood that this is done without in any way waiving the position that this incident of rebuttability belongs to the clause before us as it stands in the treaty.

All of which is respectfully submitted.

FRANCIS WHARTON,
Law Officer.

CORRESPONDENCE WITH THE LEGATION OF GERMANY
AT WASHINGTON.

No. 309.

Mr. von Alvensleben to Mr. Bayard.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, March 16, 1885. (Received March 18.)

SIR: The undersigned, Imperial German envoy extraordinary and minister plenipotentiary, has the honor to communicate the following to the Hon. Thomas F. Bayard, Secretary of State of the United States:

An association of German subjects, under the name of the "German Colonization Society," has purchased certain territories, together with sovereign rights, by means of treaties with the native chiefs. The said territories are situated in the eastern part of Africa, to the west of the dominions of the Sultan of Zanzibar. The association has requested His Majesty the Emperor to assume the sovereignty over these territories, which request has been complied with by His Majesty, who has caused the accompanying imperial letter of protection, bearing date of the 27th ultimo, to be issued to the association. The territories in question are situated within the extended zone of the conventional basin of the Congo, provided for in Chapter I, Article I, sub. 3, of the "Acte général de la Conférence de Berlin," to which zone the signatory powers have pledged themselves to apply the provisions of that instrument.

The Government of His Majesty the Emperor, in consequence hereof, assumes the obligation to see that the provisions of the Acte général are executed within the German possessions lying in the said zone, and it claims, at the same time, the advantages for said possessions which are guaranteed in Chapter III of the Acte général in respect to the neutrality of the territories lying within the conventional basin of the Congo.

In obedience to instructions received the undersigned has the honor to bring the foregoing to the knowledge of the United States Government, and he avails himself of this occasion, &c.

H. V. ALVENSLEBEN.

[Inclosure.—Translation.]*Letter of protection issued to the German Colonization Society.*

We, William, by the grace of God German Emperor, King of Prussia, hereby give notice:

The presiding officers of the German Colonization Society, viz, Dr. Karl Peters and our chamberlain, Felix, Count Behr-Bandelin, have solicited our protection for the territory purchased by the said association in East Africa, to the west of the dominions of the Sultan of Zanzibar and outside of the sovereignty of other powers; and having laid before us the treaties concluded by the said Dr. Karl Peters with the rulers of Usagara, Nguru, Useguha, and Ukami, in the months of November and December last, whereby the said territories were ceded to the German Colonization So-

ciety; and having, at the same time, requested us to take these territories under our sovereignty, we hereby declare that we have assumed the said sovereignty, and have taken the said territories under our imperial protection, reserving our future decisions with regard to other acquisitions of territory that may be made by treaty by the society or its successors in that region.

We authorize the said society, on condition of its remaining a German association, and on condition of the members of the board of directors, or other body controlling the said society, being subjects of the German Empire; and we also authorize the successors to the rights of said society, on the same conditions, to exercise all the rights accruing from the treaties which have been laid before us, including jurisdiction over the natives and over subjects of the Empire, or of other nations who may settle in those regions for commercial or other purposes, under the surveillance of our Government, and with the proviso that such ordinances as we may hereafter issue, and such regulations supplementary to this letter of protection as may hereafter be adopted by us, shall be obeyed.

In testimony whereof, we have signed this letter of protection with our own hand, and have caused our Imperial seal to be affixed thereto.

WILLIAM.
VON BISMARCK.

Done at Berlin, February 27, 1885.

No. 310.

Mr. Bayard to Mr. von Alvensleben.

DEPARTMENT OF STATE,
Washington, April 6, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 16th ultimo, by which you are pleased to inform me that an association of German subjects having purchased, by means of treaties with native chiefs, certain territories and sovereign rights in the eastern part of the conventional zone of the Congo basin, and having requested His Majesty, the Emperor, to assume the sovereignty over those territories, His Majesty has caused an imperial letter of protection to be issued to the association under date of February 27 last.

I observe that your reference to the circumstance of the territories in question being situated within the conventional zone to which the powers signing the general act of the conference of Berlin "have pledged themselves to apply the provisions of that instrument" is accompanied and qualified by the statement that the German Government assumes the obligation of executing the provisions of the general act aforesaid within those German territories, and accordingly claims for such possessions the advantages of neutrality guaranteed by that general act.

Until the United States shall, by subsequent accession and ratification of the general act of the conference of Berlin, in the manner therein provided, become a party to the stipulations thereof, it will be impossible to determine the due and proper weight to be given by this Government to the declaration and claim which you have thus communicated.

Accept, &c.,

T. F. BAYARD.

No. 311.

Mr. von Alvensleben to Mr. Bayard.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, August 3, 1885. (Received August 5.)

The undersigned, imperial German ambassador extraordinary and minister plenipotentiary, has, in accordance with the orders he has received, the honor to make the following very respectful communication to Hon. Thomas F. Bayard, Secretary of State of the United States.

By a law of June 26, 1884 (an act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes), section 14 (tonnage tax), it has been provided that vessels which sail from a port in North or Central America, in the West Indian Islands, the Bahama, Bermuda, and Sandwich Islands to a port, of the United States, shall pay in it, in place of the previous tonnage tax of 30 cents per ton a year, only 3 cents per ton, and not more than 15 cents a year, whilst vessels from other foreign ports have to bear a tax of 6 cents. This lowering of the tax to 3 cents has been granted to the favored countries—Canada, Newfoundland, the Bahamas, Bermuda, and West Indian Islands, Mexico, and Central America, including Aspinwall and Panama—unconditionally and without regard to the taxes, however relatively high, these countries on their side levy on American ships.

Article IX of the Prussian-American treaty of the 1st of May, 1828, which has been lately, in the correspondence between the cabinets of Berlin and Washington concerning the petroleum railroad rates as well as because of the Spanish American treaty concerning the trade of Cuba and Puerto Rico, successively asserted by both Governments to be valid for all Germany, runs as follows :

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

The treaties which the United States in their time have concluded with the Hanse cities, Oldenburg and Mecklenburg, contain similar provisions. In accordance with the purport of these, Germany has an immediate claim, and without making any concession in return, to participate in the enjoyment of the tonnage-tax abatement to 3 cents per ton, which has been unconditionally conceded.

The undersigned is, in accordance with the view of the Imperial Government, above set forth, directed to claim from the Government of the United States for German vessels the abatement of the tonnage tax to 3 cents per ton, and to propose, at the same time, the repayment of the tonnage-tax which at the rate of 6 cents per ton has been overpaid since the law of the 26th of June, 1884, went into effect.

While the undersigned reserves for himself the right to make in due time proper proposals in reference to the abatement provided over and above this in the law of the 26th June of last year, dependent on certain conditions, and which (abatement) may in the future even exceed that of 3 cents per ton, according to the result of proper inquiries concerning the tonnage dues and other taxes, hereafter to be levied in German harbors, he has the honor to request very respectfully that the Secretary of State will kindly take the proper course, so that German

shipping may as soon as possible participate in the unconditional favor, to which it is entitled, of an abatement of the tonnage tax to 3 cents.

The undersigned has the honor to await, very respectfully, your kind answer in reference to this matter, and avails himself, &c.

H. V. ALVENSLEBEN.

No. 312.

Mr. Bayard to Mr. von Alvensleben.

DEPARTMENT OF STATE,
Washington, November 7, 1885.

SIR: I had the honor to receive in due season your note of August 3 last, touching the application of the provisions of the fourteenth section of the shipping act, approved June 26, 1884, in respect of the collection of tonnage tax to vessels of Germany coming from ports of that country to ports of the United States, under the most favored nation clause of the existing treaty of 1828 between the United States and Germany.

The importance of the questions involved in the claim of the German Government and in like claims preferred by other governments has led to the submission of the entire subject to the judgment of the Attorney-General.

The conclusions of the Department of Justice, after a careful examination of the premises, are that—

The discrimination as to tonnage duty in favor of vessels sailing from the regions mentioned in the act, and entered in our ports is, I think, purely geographical in character, inuring to the advantage of *any* vessel of *any* power that may choose to fetch and carry between this country and any port embraced by the fourteenth section of the act. I see no warrant, therefore, to claim that there is anything in "the most favored nation clause" of the treaty between this country and the powers mentioned that entitles them to have the privileges of the fourteenth section extended to their vessels sailing to this country from ports outside of the limitation of the act.

These conclusions are accepted by the President, and I have, accordingly, the honor to communicate them to you, as fully covering the points presented in your note of August 3 last.

Accept, &c.,

T. F. BAYARD.

GREAT BRITAIN.

No. 313.

Mr. Lowell to Mr. Frelinghuysen.

No. 917.]

LEGATION OF THE UNITED STATES,
London, December 22, 1884. (Received January 3, 1885.)

SIR: Referring to your instruction, No. 1006, October 20, 1884, I have the honor to acquaint you that I immediately wrote to Lord Granville respecting the emigration of Mormon recruits from India to the United States, and he has just informed me that the attention of the governor-general of India will be called to the subject.

Lord Granville suggests furthermore that—

It is very desirable that the United States consuls in India should give to the government there all information and assistance in their power in regard to the matter, and especially that they should at once bring to the notice of the government any particular cases to which the provisions of the Indian penal code may appear to them to be applicable.

I have, &c.,

J. R. LOWELL.

No. 314.

Mr. Frelinghuysen to Mr. Lowell.

No. 1058.]

DEPARTMENT OF STATE,
Washington, January 7, 1885.

SIR: With reference to your dispatch No. 917, of the 22d ultimo, in relation to Mormon recruits from India, I have to inform you that Lord Granville's suggestion as to instructing the American consuls in India to co-operate with the British authorities there has been adopted by this Department and that suitable instructions have been given to the consul-general at Calcutta, and to our consuls at Bombay and Singapore, on the subject.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 315.

Mr. Lowell to Mr. Frelinghuysen.

No. 941.]

LEGATION OF THE UNITED STATES,
London, January 29, 1885. (Received February 13.)

SIR: Referring to your circular of December 27 last, in reference to pauper immigration from European countries to the United States, I have the honor to acquaint you that I immediately transmitted a copy of the same to Lord Granville, with a note in which I urged his lordship to cause publicity to be given to its contents.

I herewith inclose a copy of the note which I have received from Lord Granville on the subject.

I have, &c.,

J. R. LOWELL.

[Inclosure.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, January 27, 1885.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, in regard to pauper immigration to the United States, and to state to you that the proper steps will be taken to give effect to the wishes expressed therein.

I have, &c.,

GRANVILLE.

No. 316.

Mr. Frelinghuysen to Mr. Lowell.

No. 1088.]

DEPARTMENT OF STATE,
Washington, March 3, 1885.

SIR: You will recall the circumstances under which the *Alert* was presented to the United States by Her Majesty's Government in February, 1884. A devoted band of observers, under the command of Lieut. A. W. Greely, of the United States Army, having advanced to an exposed point in the high polar region, and there established a scientific station as part of a general international scheme of Arctic observation, was, through the unfortunate wreck of the *Proteus*, deprived of expected relief, and left to its own unaided resources in retreating from the post it held. At a time when the fate of these brave men was in more than doubt, and when the Government and people of the United States were putting forth every exertion toward the relief of the unfortunates, Her Majesty's Government, in a spirit of generous friendship, as signal as it was gratifying, offered to this Government, as a gift, the *Alert*, a vessel built and equipped especially for the dangerous service of the Arctic seas. As the gift was offered, so it was received, an earnest of the good fellowship which has so often made the two peoples one in the pursuit of a common aim.

Her mission of usefulness safely ended, it has been decided by the Congress of the United States of America, on the recommendation of the President, to give even greater emphasis to the good will so manifested on both sides by restoring the *Alert* to Her Majesty.

I inclose herewith a copy of that part of the act which directs the return of the vessel to Her Majesty's Government. You will take an immediate occasion to communicate it to Earl Granville, with due expression of the deep sense of the friendship which inspired the gift and which inspires the return of the vessel crowned with the successful achievement of a noble purpose.

At the earliest practicable moment the *Alert* will sail for England.

You will inquire of his lordship at what port or place it may best suit the convenience of Her Majesty's Government that the vessel shall be delivered up, and will communicate the answer to this Department by telegraph.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 1088.—Extract.]*Act of March 3, 1885.*

* * * * *

SEC. 2. That the President be, and he is hereby, authorized to return the Arctic steamer *Alert* to Her Majesty's Government, with the thanks of the Government of the United States for the generous and graceful act of courtesy in so promptly tendering the gift of that vessel, and for the valuable service thereby rendered to the cause of science and humanity.

No. 317.

Mr. Lowell to Mr. Bayard.

No. 961.]

LEGATION OF THE UNITED STATES,
London, April 4, 1885. (Received April 14.)

SIR: I have the honor to acknowledge the receipt of Mr. Frelinghuysen's instruction No. 1088 of the 3d of March last, inclosing the act of Congress of that date, providing for the restoration of the Alert to Her Britannic Majesty, and directing me to communicate this act to Lord Granville.

On the 17th of March I obeyed this instruction, and in my letter to his lordship I adopted Mr. Frelinghuysen's language as being peculiarly felicitous and appropriate.

I have now received Lord Granville's reply, by which you will observe that Her Majesty has accepted the return of the Alert in the most cordial and friendly terms, and expressed the wish that the vessel should be delivered to the authorities at Halifax, Nova Scotia.

I inclose a copy of the correspondence.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 961.]

*Mr. Lowell to Lord Granville.*LEGATION OF THE UNITED STATES,
London, March 17, 1885.

MY LORD: Your lordship will recall the circumstances under which the Alert was presented to the United States by Her Majesty's Government in February, 1884. A devoted band of observers under the command of Lieut. A. W. Greely, of the United States Army, having advanced to an exposed point in the high polar region, and there established a scientific station as part of a general international scheme of Arctic observation, was, through the unfortunate wreck of the Proteus, deprived of expected relief and left to its own unaided resources in retreating from the post it held. At a time when the fate of those brave men was in more than doubt, and when the Government and people of the United States were putting forth every exertion towards the relief of the unfortunates, Her Majesty's Government, in a spirit of generous friendship, as signal as it was gratifying, offered to this Government, as a gift, the Alert, a vessel built and equipped especially for the dangerous service of the Arctic seas. As the gift was offered, so was it received—an earnest of the good fellowship which has so often made the two peoples one in the pursuit of a common aim.

Her mission of usefulness safely ended, it has been decided by the Congress of the United States, on the recommendation of the President, to give even greater emphasis to the good will so manifested on both sides by restoring the Alert to Her Majesty.

In obedience to my instructions I inclose herewith a copy of that part of the act which directs the return of the vessel to Her Majesty's Government, and I take the earliest opportunity to communicate it to your lordship, and to express at the same time the deep sense of the friendship which inspired the gift and which inspires the return of the vessel, crowned with the successful achievement of a noble purpose.

At the earliest practicable moment the Alert will sail for England, and I am instructed to inquire of your lordship at what port or place it may best suit the convenience of Her Majesty's Government that the vessel shall be delivered up, in order that I may communicate the answer by telegraph to the Department of State.

I have, &c.,

J. R. LOWELL.

[Inclosure 2 in No. 961.]

*Lord Granville to Mr. Lowell.*FOREIGN OFFICE, *March 31, 1885.*

SIR: Referring to my letter of the 20th instant, I have the honor to state to you that the lords commissioners of the admiralty have referred to the Queen your communication of the 17th in which you announce that it has been decided by the Congress of

the United States on the recommendation of the President, to restore the Alert to Her Majesty's Government after the successful completion of her voyage undertaken for the relief of the Arctic expedition under the command of Lieutenant Greely, and inquire at which port it will be convenient that the vessel should be delivered up.

The lords commissioners of the admiralty have informed me that they have received the Queen's commands to express Her Majesty's acceptance of the gift. The Queen is satisfied that this act of the President and Congress of the United States is calculated to give greater emphasis to the good will manifested on both sides during this transaction, and Her Majesty entirely shares and reciprocates the sentiment so happily expressed by his excellency, that such friendly acts are an earnest between the two peoples of the good fellowship which so frequently makes them one in the pursuit of a common aim.

The lords commissioners of the admiralty observe that whereas the Alert though specially strengthened for ice navigation, was, owing to the urgency of the case, handed over to the representatives of the United States Government as a mere hull, she will now be returned to Her Majesty completely fitted for Arctic service, which, like the return of Her Majesty's ship Resolute, in 1856, is characteristic of the completeness with which the Government of the United States carry out their generous intentions.

This condition of the ship has enabled the lords commissioners of the admiralty to propose to the Queen that the Alert when returned should be employed on a service of scientific research of much importance to commerce and navigation for which her state of preparation renders her eminently suitable.

Her Majesty having signified her gracious approval, it is the intention of their lordships to lend the Alert to the Government of the Dominion of Canada for the purpose of exploring Hudson Straits and Bay.

With this end in view, I have the honor to state to you in reply to the last portion of your letter, that Her Majesty's representatives should receive the Alert from the United States Government at Halifax in Nova Scotia, where suitable preparation shall be made for the purpose, and from which place she will be ready to set out for her new service in the spring.

I have, &c.,

GRANVILLE.

[Inclosure 3 in No. 961.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES.

London, April 4, 1885.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 31st ultimo, informing me that Her Majesty would be pleased to accept the return of the Alert, and stating the cordial and friendly manner in which Her Majesty reciprocates the action of my Government in this matter.

I shall take great pleasure in sending, by the earliest opportunity, a copy of this correspondence to the Department of State.

I have, &c.,

J. R. LOWELL.

No. 318.

Mr. Phelps to Mr. Bayard.

No. 95.]

LEGATION OF THE UNITED STATES,

London, September 16, 1885. (Received October 3.)

SIR: Referring to Mr. Frelinghuysen's instruction to my predecessor, No. 1006, of the 20th of October, 1884, in relation to the action of Mormon emissaries in India, I have the honor to acquaint you that immediately after its reception, on the 4th of November, 1884, Mr. Lowell addressed a note to Lord Granville, requesting, if practicable, that some measures might be taken to check the proceedings of these emissaries at Calcutta in promoting the emigration of their converts to America.

I have now received a reply to this note from Mr. Currie on behalf of Lord Salisbury, who states that the Government of India considers that the harm done by the Mormons during their stay in the country has been inappreciable, and that in the opinion of the Government no special

measures are at present necessary, but that in the case of unlawful recruiting of men or women, the provisions of the penal code would be applied.

I inclose herewith a copy of the correspondence with the foreign office on this subject, and also the original printed documents which accompanied Mr. Currie's note, of which it does not seem necessary to keep copies on our files.

I have, &c.,

E. J. PHELPS.

[Inclosure in No. 95.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, November 4, 1884.

MY LORD: I have the honor to acquaint you that I have been informed by Mr. Frelinghuysen that he has received a dispatch, dated on the 30th of August last, from Mr. J. A. Leonard, the American consul-general at Calcutta, reporting the arrival there of three Mormon emissaries, and asking whether any means exist of preventing the emigration of converts, and whether any action on the consul's part for such an object is required.

Inasmuch as the Mormons practicing polygamy constantly increase in numbers by reason of accessions from abroad, recruited by emissaries from Utah operating beyond the reach of the laws of the United States, my Government is obliged to avail itself of the good offices of the authorities of foreign countries to oppose and check, as far as practicable, the emigration of these people. The Secretary of State therefore desires to bring this communication of the consul at Calcutta to the attention of Her Majesty's Government, with the request that appropriate instructions may be issued to the proper authorities with a view to checking the proposed shipment of Mormon recruits to the United States from India.

I am well aware that a correspondence upon the subject of restricting Mormon emigration from this Kingdom to America has already taken place between this legation and the foreign office, and that your lordship's predecessor, the Marquis of Salisbury, in a note to Mr. Hoppin, then chargé d'affaires of the United States, dated on the 19th of January, 1883, stated that Her Majesty's Government could do no more than to give public notice of the illegal character of Mormon marriage according to the laws of the United States, and Sir E. Y. Henderson, the commissioner of police, acting under the immediate authority of Her Majesty's principal secretary of state for the home department, caused such notices to be issued in London and Liverpool.

It would be gratifying to my Government if, under the laws and customs of British India, some measures could be taken to check the proceedings of the Mormon emissaries at Calcutta more active and effectual than the issuing of the notices above mentioned; but if this method is the only one practicable, I have to request your lordship to bring it to the attention of the authorities in India with a view to its adoption there.

I have, &c.,

J. R. LOWELL.

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITAIN AT WASHINGTON.

No. 319.

Mr. West to Mr. Bayard.

Washington, April 28, 1885. (Received April 29.)

SIR: With reference to my note of the 18th February last, and to the reply of your predecessor of the 8th January, I have the honor to inform you that Earl Granville has directed me again to request that some decision may be taken in the Tunstall case, which has been pending for the last seven years.

I have, &c.,

L. S. SACKVILLE-WEST.

No. 320.

*Mr. Bayard to Mr. West.*DEPARTMENT OF STATE,
Washington, June 1, 1885.

SIR: I have had the honor to receive your note of the 28th April last, and have given due consideration to the request therein presented that the pending claim of Mr. J. P. Tunstall, a British subject, for indemnity from the Government of the United States by reason of the murder of his son, John H. Tunstall, in 1878, in the Territory of New Mexico, should have examination and decision at my hands.

The facts of the case, and the assumed merits thereof, on which Her Majesty's Government bases its expectation that the claim of Mr. J. P. Tunstall will be recognized by the Government of the United States, are so fully set forth in the correspondence exchanged between this Department and your legation since March 9, 1878, the date of Sir Edward Thornton's note first presenting the subject, that a very brief summary will suffice for my present purpose.

John H. Turnstall, a British subject, domiciled in Lincoln County, in the Territory of New Mexico, where he carried on business as a ranch proprietor, is alleged to have been the partner of one Alexander A. McSween, against whose property writs of attachment had issued in a local suit. The sheriff of Lincoln County, Mr. Brady, sent his deputy sheriff, Mr. Matthews, to Mr. Tunstall's ranch to attach certain stock and horses there as coming under the decree of the court. Mr. Tunstall appears to have admitted the service of the writ, and informed the deputy sheriff that he could attach the stock and leave a person in charge thereof until the courts should adjudicate the ownership as between Mr. McSween and Mr. Tunstall. The deputy sheriff did not in fact then attach the property found at Mr. Tunstall's ranch, and departed, as would appear, for the purpose of assembling a numerous posse, with which he returned to the ranch. Mr. Tunstall meanwhile had collected the stock and horses, and with them quitted the ranch, going in the direction of the county-town, Lincoln. The deputy sheriff deputized one W. Morton, with eighteen men of the posse, to follow Mr. Tunstall, with orders to seize the horses. After a pursuit of some 30 miles, Morton and his party overtook Mr. Tunstall and the horses. What then occurred has not been developed by judicial proofs, but it is alleged on the part of Her Majesty's Government that Morton's party opened fire, that Mr. Tunstall abandoned the horses and sought safety in flight, and that he fell when he had ridden about 100 yards away, shot by two bullets in the head and breast.

It is stated by a special agent of the Department of Justice who investigated the case "that Morton, Jesse Evans, and Hill were the only persons who saw the shooting, and that two of these three persons murdered him" [Tunstall]. Of these persons, Morton and Hill were afterwards killed, and there is no knowledge that the survivor, Jesse Evans, has been brought to justice for his complicity in the murder of Mr. Tunstall.

Upon this statement of facts, for which we are dependent in great part on the report of the special agent of the Department of Justice, who further alleges that the members of the pursuing party were at personal enmity with Mr. Tunstall, Her Majesty's Government claims, in brief, that the sheriff of Lincoln County, New Mexico, acting through his deputy, and he in turn through the subdeputized leader of the pur-

suing party, Morton, is accountable for a murder committed in the execution of a process of law, and that the father of the murdered man, having a pecuniary interest in the life of his son, based on the business operations carried on by him, has a right to recover indemnity from the Government of the United States, whose agent the sheriff is asserted to have been. The actual presentment of this claim for indemnity is thus made in Sir Edward Thornton's note of June 23, 1880:

It appears that Mr. J. P. Tunstall has it not in his power to recover damages from the Territorial Government of New Mexico by proceedings at law or otherwise. A citizen of the United States would in a similar case probably appeal to Congress; but this remedy is not open to an alien. Earl Granville has therefore instructed me to present to the Government of the United States a claim on behalf of the father, Mr. J. P. Tunstall, for such compensation as upon examination of the injury and losses sustained may be found to meet the justice of the case.

It seems unnecessary, in this review of the facts, to summarize the allegations upon which much of the correspondence hinges, that Mr. Tunstall, by his honest and fearless course in New Mexico during his domicile there, had incurred the enmity of Sheriff Brady and of men who were joined to the posse which pursued and murdered him, and that the sheriff, by his laxity in following up the alleged murderers, has demonstrated his sympathy, if not his connivance, with them.

These allegations, which, if judicially substantiated, might make a strong case against the guilty parties, do not modify the essential point, which is, that the writ under which the sheriff acted was issued in merely civil process, against property only, not against the body of the deceased, and that resistance to a writ of this nature could not call for or warrant the resort to such violence upon the person of the resisting party as appears to have been committed. Killing, in personal malice, by an officer, of a defendant in a civil process in such officer's hands, such killing being subsequent to the execution of the writ, is as collateral to the official action of the officer as would be the commission of arson against the dwelling, or rape of a member of the family, of the party by such an officer after the civil process has been served. Hence the attendant *animus* may be left aside in the consideration of this case; for the personal motive which may prompt an agent to do an unlawful act not within the scope of his agency, and entirely collateral to it, can in no wise affect the question of the alleged responsibility of the principal for the agent's acts; unless, indeed, it be shown that the principal shared in the criminal motive and constituted his agent to the end of its accomplishment, which allegation I do not imagine can be made against the Territorial government of New Mexico or the Government of the United States.

With the correspondence between Sir Edward Thornton, and my predecessors in office touching the position of Her Majesty's Government that this Government is liable for lawless acts committed by individuals charged with the execution of legal process within the United States, you are of course familiar. You will recall the suggestion made to yourself by Mr. Frelinghuysen, January 30, 1882, to refer the Tunstall claim, under authorization of Congress, to the Court of Claims or other judicial resort, and the rejection of that suggestion by Her Majesty's Government, because the proposed adjudication would not be based on a prior admission of the liability of the United States in the premises subject to the facts being established after judicial inquiry. You will also recall your communication to Mr. Frelinghuysen, under date of June 30, 1882, of Earl Granville's intimation of "the hope of Her Majesty's Government that the Government of the United States will

be able to meet their views in this long pending case, and to suggest some other mode of disposing of it."

With that intimation discussion of the matter came to a halt, and I can readily understand the inability of my predecessor "to suggest any other mode of disposing of it." In fact, I can quite confidently surmise Mr. Frelinghuysen's conviction that, in suggesting the domestic submission of the merits of the case to a quasi-judicial resort, including in such submission the fundamental question of national liability, the executive had strained to the uttermost any possible conception of its discretion in the premises. For such a forum, being necessarily of domestic institution and possessing no international jurisdiction or power to enforce its conclusions, could only be properly regarded as an advisory body, entitled to respect by reason of its evident moral competency and impartiality, and the submission thereto of the point at issue could only be deemed a voluntary and temporary delegation of a function of decision inherent in the national sovereignty.

It is not necessary, in giving a final answer to the questions presented by Her Majesty's Government in this case, to recapitulate the positions taken by Mr. Evarts in his note to Sir Edward Thornton of March 7, 1881. Waiving, in the present discussion, the positions so taken, the first question that meets us on the examination of the claim is as to the liability of the Government of the United States for the debts or torts of officers of a Territory organized under Congressional legislation. That the United States Government is not so liable has been more than once held by courts in the United States.

The very question, however, of such liability was adjudicated by the Joint Commission appointed under the convention of February 8, 1853, for the adjustment of claims then unsettled preferred by citizens of the United States against Great Britain, and by subjects of Great Britain against the United States. The commissioners were Mr. Upham, on the part of the United States, and Mr. Hornley, on the part of Great Britain. The commissioners met in London, on September 15, 1853, and chose Mr. Bates, of London as umpire. Among the claims presented was one by British subjects, based on bonds issued by the Territory of Florida before the admission of Florida as a State.

The case was argued on behalf of the claimants by Messrs. Rolt, Cairns, and Hannen, who afterwards acquired great eminence on the bench, and by Mr. Thomas as agent and counsel for the United States. The claim was based on the assumption that, as Congress could remodel or veto Territorial legislation, the Government of the United States was liable for the conduct of Florida creating indebtedness to a subject of Great Britain. Mr. Bates, however, as umpire, dismissed this position summarily, saying:

The first ground of claim [that above stated] need hardly be treated seriously; it might as well be contended that the British Government is responsible for Canada's debentures, because all the acts passed by the Canadian Parliament require the sanction of the home government before they become laws. (Proceedings of the Joint Commission, Washington, 1855.)

If the British contention in the present case be good, then the British Government would be liable, not only for the debts of Canada, but for the torts of all the officers of Canada.

Such a position, it is now submitted, is not merely in conflict with the political basis on which rests the colonial system of Great Britain, but, the case being reversed, is in like conflict with the Constitution of the United States. On Great Britain, in fact, the doctrine of the liability of the sovereign for the torts or debts of dependencies over which he

has a general restrictive control would operate far more seriously than on the United States, since it would make Her Majesty's Government liable for the misconduct of local officials, not merely in Canada, but in India, in Australia, in South Africa, and in Egypt.

But it is not desired to rest our resistance to this claim exclusively on the above position. Appealing to principles acknowledged in common in England and in the United States, it is, in addition, maintained that in countries subject to the English common law, where there is the opportunity given of a prompt trial by a jury of the vicinage, damages inflicted on foreigners on the soil of such countries must be redressed through the instrumentality of courts of justice, and are not the subject of diplomatic intervention by the sovereign of the injured party.

The position thus stated finds many illustrations in the history of the diplomatic relations of Great Britain and of the United States. Prior to the occurrences now under consideration there must have been many cases in which British subjects supposed that they had suffered loss through the negligence or the malice of subordinate officers of the different States and Territories composing this Union, but no record can be found, at least on the files of this Department, of cases in which, when redress could be had by appeal to local courts of justice, an attempt has been made to substitute for such redress a demand upon the Government of the United States for pecuniary compensation. The same may be said of the many cases in which citizens of the United States may have suffered, or claim to have suffered, injury in Great Britain from the conduct of British officials. When such injury was inflicted upon the high seas, or in foreign uncivilized lands, and especially if inflicted by the armed military or naval power directly emanating from the sovereign executive, then it was properly regarded as the subject of diplomatic intervention; but a careful search in the records of this Department discloses no diplomatic appeal for pecuniary compensation for injuries claimed to have been inflicted on American citizens when on the soil of Great Britain.

As showing the strictness with which this distinction is maintained may be mentioned the case of Mr. Henry George, a citizen of the United States, distinguished as a man of letters, and as a lecturer, who traveled in Ireland in 1882. Mr. George, as was afterwards fully shown and conceded, was in no way concerned in any seditious or other illegal proceedings against the peace of Great Britain, and there was no evidence produced, either at the time or since, which suggested the faintest *prima facie* case to justify arrest. He was, however, arrested at Loughrea on August 8, 1882, without warrant, by governmental subordinates, his baggage searched, his letters and papers ransacked, and his person treated with indignity. He was discharged, on the ground that there was no case against him, and proceeded on his journey, occupied in part in visiting the antiquities and other interesting features of the country. Two days afterwards at Athenry, a few miles distant from Loughrea, when about entering on the train for Galway he was again arrested, his baggage again searched, his papers again inspected, while he was kept until midnight a close prisoner by the same magistrate who had examined and discharged him at Loughrea. He was again discharged for the same reason that no case existed against him, although this should have been as fully known by the magistrate at the time of the second imprisonment as at the time of the first discharge.

The question of the amount of pecuniary compensation to which Mr. George would have been entitled in a court of justice is not now material. So far as concerns the principle, it makes no matter whether

the injury inflicted on him touched his life, or merely his liberty and the sanctity of his property for a few hours. And, so far as concerns this principle, it is worthy of notice, in this relation, how clearly the question of liability is defined by Mr. Frelinghuysen in his instruction to Mr. Lowell of October 3, 1882.

While citizens of the United States traveling or resident abroad are subject to the reasonable laws of the country in which they may be sojourning, it is, nevertheless, their right to be spared such indignity and mortification as the conduct of the officers at Loughrea and Athenry seems to have visited upon Mr. George. * * * As you have already addressed a note to Lord Granville on this subject, a reply will probably soon be received by you. It is trusted that the tenor of that reply may prove satisfactory to this Government, *and also relieve Mr. George from any reproach the arrests are calculated unjustly to cast upon him.*

It will be observed that there is here no claim whatever for pecuniary compensation to Mr. George. That claim, it is tacitly assumed, is to be remitted to British courts of justice. The request is for explanation to the Government of the United States and exoneration of Mr. George from "reproach." Yet the arrest of Mr. George, and that of other "suspects" under the recent crimes act, was not, it must be remembered, in the course of the English common law. There was apparently no responsible prosecutor, there was no hearing in which witnesses could be met face to face, and consequently, under the cover of a legislative enactment for the time being, the sufferer was denied all opportunity to establish the possible malice of the allegation which led to his arrest, or to identify the secret accuser who could therefore with impunity wound his sensibilities and subject him to serious distress and suffering. Had there been a commitment, it would not have been in view of a speedy jury trial. Under these circumstances, the case would not have fallen under the rule announced above, that where a foreigner claiming to be injured has redress by an appeal to the courts in the processes of the English common law, a diplomatic demand for indemnity will not be granted by the Government of the country in which the injury is claimed to have been received, yet, even in the case of Mr. George and other citizens of the United States put recently without probable cause under summary arrest in Ireland, we hear of no demand made by the Government of the United States for pecuniary compensation.

The reason why, in countries subject to the English common law, the question of compensation to foreigners for injuries received on the soil of such countries is exclusively committed to the courts of justice in the place of the injury, is to be found in two conditions :

The first is, that, as has been already noticed, the party injured has the advantage by that law, of a prompt trial by an impartial jury drawn from the vicinage, under the supervision of judges whose integrity, whether it be in England or in the United States, has, viewing them as a body, never been impeached, and who are subject to established and impartial rules of law. The second condition is, that, by the English common law, foreigners, when appealing to courts of justice, have equal rights with subjects. It is not so in other systems of jurisprudence; and it is natural, therefore, that under such other systems of jurisprudence the appeal of a foreigner for compensation should lie, not to the courts which impose upon him unjust discriminations, but through his own sovereign to the sovereign of the country in which the injury has been received. But in countries subject to the English common law, every facility which is given to a subject when approaching a court of justice is given to a foreigner making such approach.

It is impossible to study, in particular, the annals of English jurisprudence without being struck with the delicate and honorable conscientiousness with which the rights of foreigners in this relation have been maintained. If, in such cases before the English tribunals, there has been any appeal to generosity and sympathy, this has not been in favor of the subject against the foreigner. Nor has it made any difference that the party sued by the foreigner was an officer of the Government.

Numerous cases of this kind where the plaintiff was a foreigner and the defendant an officer by whom he was assaulted, or falsely imprisoned, or maliciously prosecuted, are reported in the English books, and in no one of these cases can it be alleged that justice was not meted to the foreign plaintiff as freely as if he had been a British subject. It is with some pride, also, that it may be declared by this Department that throughout the United States the same impartial justice is administered. Even beyond this, in its scrupulous protection of the rights of foreigners, has our peculiar jurisprudence gone. A citizen of one of our States, injured in such State by a person resident therein, is, in ordinary cases, limited to the State courts for redress. A foreigner suing in such State is given the election between the State courts and the district courts of the United States.

The practical result of this fair dealing is even more marked in this country than in England. There are reported in our books multitudes of cases in which local officers of justice have been sued by foreigners in our courts for false imprisonment or for malicious prosecution or for assault, and this must needs be the case in communities like ours, in which a large proportion of the population consists of foreigners unfamiliar with our laws.

In not one of these cases, however, has it ever been maintained that the foreign plaintiff had not at least the same privileges awarded to him as he would have had if he had been a native citizen, nor can the most jealous scrutiny of the proceedings show in a single case any misstatement of law to his disfavor. The first instance, in fact, in which, instead of an appeal to the courts thus open, diplomatic intervention through a sovereign is urged, is that which we now have to discuss.

Sir Edward Thornton, in his note to Mr. Blaine, of June 16, 1881, took exception to the position attributed to Mr. Evarts that the laws of the Territories, like the laws of the States of the Union, are to be administered by the respective tribunals and officers, free from any control or interference of the Federal Government; but those exceptions were advanced equally on the hypothesis that the acts charged might have been committed in a State of the Union, in which case, as I understand Sir Edward's presentation of Lord Granville's argument, Her Majesty's Government would have claimed that the Federal responsibility still accrued. Without recapitulating the position set up by Mr. Evarts, in technical bar of this claim, and without in any degree waiving the position with which this note sets out, that the Government of the United States is not and cannot be liable for the torts or contracts of the Territories, it must be remembered that New Mexico possesses a duly perfected political organization, which, under the Federal Government, includes the executive and judicial departments existing side by side as co-ordinate yet independent powers, and that, in the courts of New Mexico, foreigners have the same rights of redress as citizens.

The fact that the authority of those departments emanates equally as to both from the Federal Government, is no reason why either should not be regarded as sole and supreme in its particular functions, or why matters belonging to the judicial department of the Territory should be

taken under control and determined upon by the Federal Executive acting either directly or through the Territorial governor. For the Federal Executive to take the case out of the control of the judicial branch would at once be to abrogate the constitutional distinction between the Executive and the judiciary, and be manifestly an usurpation by the Executive of a jurisdiction distinctively judicial, by so arrogating to itself a function exclusively delegated to the courts. It is impossible to see how this could be done in the present case, for the avowed purpose of creating in favor of a foreigner a resort other than and different from that which he possesses in common with native citizens, without violating essential constitutional distinctions and at the same time throwing unmerited discredit on our local judicial system and departing from an unbroken line of precedents, which by themselves have become a law.

That when the courts of justice are open to a foreigner in a State, the Federal Executive will not take cognizance of his complaint, was maintained by Mr. Evarts and Mr. Blainé, on December 30, 1880, and March 25, 1881, when declining to accept for the Executive jurisdiction over a claim for damages to certain Chinese inflicted by a mob in Colorado in November, 1880. (United States Foreign Relations, 1881, pp. 319, 335.) The same position was taken by Mr. Webster in his note of November 13, 1851, to Mr. Calderon de la Barca, who made claim for damages sustained by the Spanish consul and Spanish citizens from a mob in New Orleans, in the preceding month. It was agreed that reparation should be made to the consul, on the ground of his public character. It was otherwise, Mr. Webster maintained, as to Spanish citizens. "Private individuals," he said, "subjects of Her Catholic Majesty coming voluntarily to reside in the United States, have certainly no cause of complaint, if they are protected by the same law and the same administration of the law as native-born citizens of this country." And, resting in like manner on the position that the Executive cannot, within its constitutional function, invade the functions of the judiciary, this conclusion applies as fully to a Territory as it does to a State, and was reached by Mr. Butler, Attorney-General during Mr. Van Buren's administration, in a letter to the President, dated July 5, 1837. (Opinions of the Attorneys-General, III, 253.)

The principle is therefore to be regarded as adjudicated and established by the highest international and domestic authority in accordance with the enunciation above given.

It is interesting to observe that in England the same demarkation between executive and judicial functions has been preserved under circumstances not unlike the deplorable case now brought before us. In 1780, in a riot directed, in a large measure, against foreigners of the Roman Catholic faith, the property and persons of such foreigners were subjected to atrocious outrages, yet no instance is reported of appeals by the sovereigns of these foreigners to the British Crown for remuneration. The various riots which, during Lord Liverpool's administration, were incited for the purpose of driving off foreign citizens and destroying their machinery, were not followed, as far as we can learn, by any diplomatic action for the pecuniary remuneration of the parties injured; though we are informed, from the records of the courts, of prosecutions by which, in the ordinary course of justice, the perpetrators of those wrongs were punished.

And in 1850, the distinction before us was enunciated by the British Government under circumstances of peculiar interest. On September 4 of that year, General Haynau, an Austrian officer, who, whatever may

have been his severity as a commander in the civil war in which Austria had been engaged, was nevertheless a distinguished representative of a country with which Great Britain was then at peace, visited, with two of his aids, the brewery of Messrs. Barclay, Perkins & Co., then one of the famous objects in London, which strangers were accustomed to inspect. General Haynau was charged with no indecorum in his visit. It became known, however, to the porters and other workmen, who he was, and he was subjected to what Lord Palmerston, in his note in reply to Baron Koller's demand of investigation, admits to have been "outrageous violence and insult." (Viscount Palmerston to Baron Koller, September 14, 1850, British and Foreign State Papers, XLII, 389.)

To the demand of the Austrian minister for executive intervention, however, the answer was, "that no proceedings can be taken in this case which are not in accordance with the ordinary administration of law." If a civil suit was to be brought, it was intimated General Haynau must bring it; if a criminal prosecution for assault was to be instituted General Haynau must appear as prosecutor; and as General Haynau did not desire to take such a responsibility, no redress at all was given. The case was an extreme one. The attack had no color of excuse. The party attacked was an aged man, at the time defenseless, an eminent servant of the Austrian Crown, who, if any person not a foreign ambassador could properly appeal for diplomatic intervention, could make such an appeal. The outrage was offered in such a shape as to make it an offense against the Austrian sovereign under whose orders General Haynau had acted in the matters which had provoked the indignation of the workmen at the brewery. Yet, even in this extreme case, the British Government laid down, and laid down properly, the rule that for injuries inflicted on a foreigner on English soil, redress must be sought, not from the executive, but from the courts. And this rule is not affected by the circumstance that it does not appear that any agents of the civil authority, whether in the exercise at the time of civil functions or not, were participants in the acts of outrage complained of, for those acts could not have been deemed in any case to have fallen within the scope of their agency.

Undoubtedly, as is stated by Sir Edward Thornton, "the citizens of the different States of the Union would be entitled to recover compensation for lawless acts committed under the like circumstances to those that have occurred in New Mexico." (Sir Edward Thornton to Mr. Blaine, June 16, 1881.) But this must be by an appeal, not to the Executive, but to the courts; and the precedent just noticed is made still more impressive from the fact that the outrage was committed, not in a wild, remote, and newly-settled country, but in the metropolis of the realm, at the center of the executive and judicial systems of Great Britain, and under the supervision of an ample and well-disciplined police.

To accept the position of the British Government in this matter would, moreover, lead to utter confusion in the constituted arrangements of our system, which, like that of England, sedulously maintains the executive, judicial, and legislative departments distinct from each other.

The claim now put forward, if allowed, would usurp judicial functions by the executive and legislative branches, and would substitute a government of will for a government of law. Private loss and injury ensue from temporary disorders and breaches of the peace under any government. To cite a recent instance near at hand, in 1878 three thousand loaded railway cars were destroyed by a mob at Pittsburgh, in Pennsylvania. For this loss, suits were brought in the courts of law against the municipality of Pittsburgh and judgment recovered. The city applied to the State by petition, and the legislature passed an act to re-

imburse the city. Whether any of the litigants against the municipality were British subjects does not appear, but if there had been such, their claims would have been heard and decided the same as if they had been citizens of the United States. No person who lost his property, nor the relatives of any who lost his life—and many lives were lost—ever pretended to hold the United States Government responsible.

Under no aspect of the case is there any right under our law to redress such injuries as Mr. Tunstall suffered, which is not as open to a foreigner lawfully within the United States as to any one of our own citizens. There is no discrimination between them in the forum in which all such claims are to be heard and decided, and that sole forum is provided in the courts of justice.

The injury complained of is a personal tort, founded as would appear from the allegations contained in the statements submitted on behalf of your Government, on personal motives of malice and vindictiveness in the breasts of the aggressors. For such a tort the guilty party may be properly pursued and punished. But it was not an act of the Government. It was executed neither by its orders, nor in any way for its benefit, but, on the contrary, in opposition to its laws and in violation of its peace. Aside from other considerations, the doctrine of agency would wholly refute such a claim, for the rule of *respondeat superior* does not include acts of disobedience to the superior and wholly outside the scope of the agency.

The propositions hereinbefore stated are abundantly sustained by an eminent English publicist, as highly esteemed in this country as in England, whose recent decease is so greatly mourned. "The state," says Sir R. Phillimore (International Law, II, 4), "must be satisfied that its citizen has exhausted the means of legal redress offered by the tribunals of the country in which he has been injured. If these tribunals are unable or unwilling to entertain and adjudicate upon his grievance the ground for interference is fairly laid."

"But it behooves the interfering state to take the utmost care, first, that the commission of the wrong be clearly established; secondly, that the denial of the local tribunals to decide the question at issue be no less clearly established. It is only after these propositions have been irrefragably proved, that the state of a foreigner can demand reparation at the hands of the Government of his country."

This position is thus affirmed by Chief Justice Waite in the case of *New Hampshire vs. Louisiana* (108 U. S. Reports, 90):

There is no principle of international law which makes it the duty of one nation to assume the collection of the claims of its citizens against another nation, if the citizens themselves have ample means of redress without the intervention of their Government. Indeed, Sir Robert Phillimore says, in his *Commentaries on International Law*, Vol. II, 2d ed., page 12: "As a general rule, the proposition of Martens seems to be correct, that the foreigner can only claim to be put on the same footing as the native creditor of the state."

It is often profitable in the discussion of international questions of this character to step aside and to consider the results which would flow, in practice, from the mutual admission of the point in contention. So it may be permissible to notice, although it is unnecessary to do more than merely notice, the great inconvenience which would follow the adoption of a precedent such as that now sought to be established by Her Majesty's Government, and which must be presumed to be intended as mutual in the relations of the two countries. Aside from the question of the constitutional barrier between the judicial and the executive branches, it must be remembered that in the executive department there is no machinery provided for examining witnesses or obtaining a juridical verdict on disputed facts.

Were the proposed precedent established, all suits or claims whatever in which foreigners are plaintiffs or prosecutors would be poured into this Department. Not only would the office in charge of the foreign intercourse be in consequence compelled to assume control over a mass of litigation which it has no means of satisfactorily managing, but the dangers of complications with foreign powers would be infinitely increased. Nor could such an access of business be productive of less inconvenience and embarrassment to the British foreign office, and to ourselves in dealing with that office. Heretofore the complaints made by us to that office for the release of American citizens who were imprisoned as "suspects" have been satisfactorily adjusted, since all that we have asked has been a release, which was the subject of ready determination. The issues would be far different, and could not fail to be accompanied by much irritation, if, in such cases, by adopting the suggested precedent, Her Majesty's Government should invite demands in its executive capacity to pay the damages sustained by the parties imprisoned. And the irritation in such a case would not be lessened by the fact, already adverted to, that those arrests were made, not in subjection to English common law precedent, but in defiance of such precedent, taking the case out of the rule announced at the beginning of this note, which gives the judiciary exclusive jurisdiction when acting according to the practice of the English common law.

In this relation, also, it may be proper briefly to advert to the bearing on this case of the position lately taken by the British foreign office, that an American citizen, even when passing transiently through the British dominions, is bound by British allegiance, and required to submit himself to all the conditions of British law.

But Mr. Tunstall, in the present case, was not, at the time of the lamentable occurrence complained of, transiently passing through the United States. He had entered upon what appears to have been a permanent residence in New Mexico, and had engaged in a business conditioned on such permanency. If, as we must infer from this, when there is no evidence to the contrary, he was then domiciled in New Mexico, he was not even, as far as concerns the administration of the judicial function there, a foreigner, and, on this issue alone, his representatives cannot appeal to the Government of his established domicile through a foreign sovereign for redress. Their rights are cognizable only because they may be proved to flow from the personal status of the decedent, and are therefore dependent upon the judicial proceedings of the country of the decedent's domicile.

This is doubly clear when we recall the statements made by your predecessors in support of the demand for pecuniary indemnification, that the father of the decedent was a party in interest in his son's enterprise, and had advanced sums to aid in the establishment of the business set up in New Mexico. If Mr. Tunstall died intestate, and left any personal property in New Mexico, it would pass under the laws of that Territory and be distributed in accordance therewith. And such being the law, based on Mr. Tunstall's domicile in New Mexico, his representatives have, under the law of nations, no title to the intervention of a foreign sovereign.

After a full review of all the facts and circumstances of the case, I am constrained to inform you that this Government cannot admit any liability as attaching to it in the premises, either directly toward the representatives of the murdered man or internationally toward Her Majesty's Government demanding in their behalf.

I have, &c.,

T. F. BAYARD.

PAPERS RELATING TO THE AGREEMENT BETWEEN THE UNITED STATES AND GREAT BRITAIN RESPECTING THE FISHERIES.

No. 321.

Notice of Secretary Bayard.

By direction of the President, the undersigned, Secretary of State, hereby makes known to all whom it may concern that a temporary diplomatic agreement has been entered into between the Government of the United States and the Government of Her Britannic Majesty in relation to the fishing privileges which were granted by the fishery clauses of the treaty between the United States and Great Britain of May 8, 1871, whereby the privilege of fishing, which would otherwise have terminated with the treaty clauses on the 1st of July proximo, may continue to be enjoyed by the citizens and subjects of the two countries engaged in fishing operations throughout the season of 1885.

This agreement proceeds from the mutual good-will of the two Governments, and has been reached solely to avoid all misunderstanding and difficulties which might otherwise arise from the abrupt termination of the fishing of 1885 in the midst of the season. The immunity which is accorded by this agreement to the vessels belonging to citizens of the United States engaged in fishing in the British American waters will likewise be extended to British vessels and subjects engaged in fishing in the waters of the United States.

The joint resolution of Congress of March 3, 1833, providing for the termination of the fishing articles of the treaty of May 8, 1871, having repealed in terms the act of March 1, 1873, for the execution of the fishing articles, and that repeal being express and absolute from the date of the termination of the said fishing articles, under due notification given and proclaimed by the President of the United States, to wit, July 1, 1885, the present temporary agreement in no way affects the question of statutory enactment or exemption from customs duties, as to which the abrogation of the fishing articles remains complete.

As part of this agreement, the President will bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a joint commission by the Governments of the United States and Great Britain to consider the matter, in the interest of maintaining good neighborhood and friendly intercourse between the two countries, thus affording a prospect of negotiation for the development and extension of trade between the United States and British North America.

Copies of the memoranda and exchanged notes on which this temporary agreement rests are appended.

Reference is also made to the President's proclamation of January 31, 1885, terminating the fishing articles of the treaty of Washington.

By direction of the President:

T. F. BAYARD,
Secretary of State.

No. 322.

Memorandum of Mr. West.

The fishery clauses of the treaty of Washington of 1871 will expire on the 1st of July next. It has been represented by the Canadian Gov-

ernment that much inconvenience is likely to arise in consequence, unless some agreement can be made for an extension of the period.

When the time comes (1st of July next) American ships will be actually engaged in fishing within the territorial waters of the Dominion. These vessels will have been fitted out for the season's fishing and have made all their usual arrangements for following it up until its termination in the autumn. If, under these circumstances, the provincial or municipal authorities in Canada were to insist upon their strict rights, and to compel such vessels, on pain of seizure, to desist from fishing, considerable hardship would be occasioned to the owners, and a feeling of bitterness engendered on both sides which it is clearly the interest of both Governments to avert.

It seems therefore desirable, in order to avoid such possible complications, that both Governments should come to an agreement under which the clauses might be in effect extended until the 1st of January, 1886.

If this were done the existing state of things would come to an end at a date between the fishery season of 1885 and that of 1886, and an abrupt transition at a moment when fishery operations were being carried on would be thus avoided.

WASHINGTON, *March 12, 1885.*

No. 323.

Mr. Bayard to Mr. West.

DEPARTMENT OF STATE,
Washington, April 22, 1885.

DEAR MR. WEST: I have on several occasions lately, in conversation, acquainted you with my interest in the fisheries memorandum which accompanied your personal letter of March 12.

Several informal talks I have had with Sir Ambrose Shea have enabled me to formulate the views of this Government upon the proposition made in behalf of the Dominion and the Province of Newfoundland, and I take pleasure in handing you herewith a memorandum embodying the results. If this suits, I shall be happy to confirm the arrangement by an exchange of notes at your early convenience.

I am, &c.,

T. F. BAYARD.

MEMORANDUM.

The legislation passed by the Congress of the United States, act of March 1, 1873, for the execution of the fishery articles of the treaty of Washington, has been repealed by the joint resolution of March 3, 1883, the repeal to take effect July 1, 1885. From that date the effects of the fisheries articles of the treaty of Washington absolutely determine, so far as their execution within the jurisdiction of the United States is concerned, and without new legislation by Congress modifying or postponing that repeal the Executive is not constitutionally competent to extend the reciprocal fisheries provisions of the treaty beyond the 1st of July next, the date fixed by the action of Congress.

Mr. West's memorandum of March 12, 1885, suggests the mutual practical convenience that would accrue from allowing the fishing ventures commenced prior to July 1, 1885, to continue until the end of the season for fishing of that year, thus preventing their abrupt termination in the midst of fishing operations on the 1st of July.

It has been, moreover, suggested on the part of the Province of Newfoundland and of the Dominion of Canada, that in view of the mutual benefit and convenience of the present local traffic, consisting of the purchase of ice, bait, wood, and general ship supplies by the citizens of the United States engaged in fishing from the inhabitants of the British American fishing coast, the usual operations of the fishing season of 1885 should be continued by the fishing vessels belonging to citizens of the United States until the end of the season of that year, and that the local authorities of Newfoundland and of the Dominion of Canada, in a spirit of amity and good neighborhood, should abstain from molesting such fishermen or impeding their progress or their local traffic with the inhabitants incidental to fishing during the remainder of the season of 1885, and all this with the understanding that the President of the United States would bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a commission in which the Governments of the United States and of Great Britain should be respectively represented, which commission should be charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coasts of the United States and British North America.

The President of the United States would be prepared to recommend the adoption of such action by Congress with the understanding that in view and in consideration of such promised recommendation there would be no enforcement of restrictive and penal laws and regulations by the authorities of the Dominion of Canada or of the Province of Newfoundland, against the fishermen of the United States resorting to British American waters between the 1st of July next and the close of the present year's fishing season; the mutual object and intent being to avoid any annoyance to the individuals engaged in this business and traffic, and the irritation or ill-feeling that might be engendered by a harsh or vexatious enforcement of stringent local regulations on the fishing coast pending an effort to have a just and amicable arrangement of an important and somewhat delicate question between the two nations.

Public knowledge of this understanding and arrangement can be given by an exchange of notes between Mr. West and myself, which can be given to the press.

No. 324.

Memorandum of Mr. West.

(Received June 13, 1885.)

It is proposed to state in notes according temporary arrangement respecting fisheries that an agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America.

The government of Newfoundland do not make refunding of duties a condition of their acceptance of the proposed agreement, but they rely on it having due consideration before the international commission which may be appointed.

No. 325.

Mr. Bayard to Mr. West.

DEPARTMENT OF STATE,
Washington, June 19, 1885.

MY DEAR MR. WEST: I assume that the two memoranda you handed to me on the 13th instant embrace the acceptance by the Dominion and the British American coast provinces of the general features of my memorandum of April 21, concerning a temporary arrangement respecting the fisheries, with the understanding expressed on their side that the

"agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America."

To such a contingent understanding I can have no objection. Indeed, I regard it as covered by the statement in my memorandum of May 21, that the arrangement therein contemplated would be reached "with the understanding that the President of the United States would bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a commission in which the Governments of the United States and Great Britain should be respectively represented, which commission should be charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coasts of the United States and British North America."

The equities of the question being before such a mixed commission would doubtless have the fullest latitude of expression and treatment on both sides; and the purpose in view being the maintenance of good neighborhood and intercourse between the two countries, the recommendation of any measures which the commission might deem necessary to attain those ends would seem to fall within its province, and such recommendations could not fail to receive attentive consideration.

I am not, therefore, prepared to state limits to the proposals to be brought forward in the suggested commission on behalf of either party.

I believe this statement will be satisfactory to you, and I should be pleased to be informed at the earliest day practicable of your acceptance of the understanding on behalf of British North America; and by this simple exchange of notes and memoranda the agreement will be completed in season to enable the President to make the result publicly known to the citizens engaged in the fishing on the British American Atlantic coast.

I have, &c.,

T. F. BAYARD.

No. 326.

Mr. West to Mr. Bayard.

BRITISH LEGATION,
Washington, June 20, 1885.

MY DEAR MR. BAYARD: I beg to acknowledge the receipt of your note of yesterday's date, concerning the proposed temporary arrangement respecting the fisheries, which I am authorized by Her Majesty's Government to negotiate with you on behalf of the Government of the Dominion of Canada and the government of Newfoundland, to be effected by an exchange of notes founded on your memorandum of the 21st of April last.

The two memoranda which I handed to you on the 13th instant contain, as you assume, the acceptance by the Dominion and the British American coast provinces of the general features of your above-mentioned memorandum, with the understanding expressed on their side that the agreement has been arrived at under circumstances affording prospects of negotiation for the development and extension of trade between the United States and British North America, a contingent understanding to which, as you state, you can have no objection, as you regard it as covered by the terms of your memorandum of April 21.

In authorizing me to negotiate this agreement, Earl Granville states, as I have already had occasion to intimate to you, that it is on the distinct understanding that it is a temporary one, and that its conclusion must not be held to prejudice any claim which may be advanced to more satisfactory equivalents by the colonial governments in the course of the negotiation for a more permanent settlement. Earl Granville further wishes me to tell you that Her Majesty's Government and the colonial governments have consented to the arrangement, solely as a mark of good will to the Government and people of the United States, and to avoid difficulties which might be raised by the termination of the fishery articles in the midst of a fishing season; and also that the acceptance of such a *modus vivendi* does not, by any implication, affect the value of the inshore fisheries by the Governments of Canada and Newfoundland. I had occasion to remark to you that while the colonial governments are asked to guarantee immunity from interference to American vessels resorting to Canadian waters, no such immunity is offered in your memorandum to Canadian vessels resorting to American waters, but that the Dominion Government presumed that the agreement in this respect would be mutual. As you accepted this view, it would, I think, be as well that mention should be made to this effect in the notes.

Under the reservations, as above indicated, in which I believe you acquiesce, I am prepared to accept the understanding on behalf of British North America, and to exchange notes in the above sense.

I have, &c.,

L. S. SACKVILLE-WEST.

No. 327.

Mr. Bayard to Mr. West.

DEPARTMENT OF STATE,
Washington, June 20, 1885.

SIR: I have just received your note of to-day's date in regard to the proposed temporary arrangement touching the fisheries.

Undoubtedly it is our clear and mutual understanding that the arrangement now made is only temporary, and that it proceeds from the mutual good-will of our respective Governments, and solely to avoid all difficulties which might otherwise arise from the termination of the fishing of 1885 in the midst of the season.

I understand, also, that the same immunity which is accorded by this agreement to the vessels belonging to the citizens of the United States, engaged in fishing in the British American waters, will be extended to British vessels and subjects engaged in fishing in the waters of the United States. Perceiving, therefore, no substantial difference between our respective propositions and these statements as contained in our correspondence on the subject, I shall consider the agreement as embodied in our memoranda and the correspondence between us as thus concluded; and public notification to that effect will be given in a few days by the President.

I have, &c.,

T. F. BAYARD.

No. 328.

*Mr. Bayard to Mr. West.*DEPARTMENT OF STATE,
Washington, June 22, 1885.

SIR: In compliance with your verbal request of this morning that I should restate part of my note to you of the 19th, I repeat that the arrangement whereby a *modus vivendi* on the fishing question has been reached, rests on the memoranda and correspondence exchanged; that your memorandum of the 13th instant expressed the understanding on your side that the "agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America;" that I not only had no objection to such an understanding, but, in fact regarded it as amply embraced in our proposal to recommend a commission to deal with the whole subject in the interest of good neighborhood and intercourse, and that the recommendation of any measures which the commission might deem necessary to attain those ends would seem to fall within its province, and such recommendations could not fail to have attentive consideration.

Having thus not only admitted the proviso of your memorandum in your own language, but gone still further and pointed out that no limits would be set, so far as I was concerned, to the proposals to be brought forward in the suggested commission on behalf of either party, I do not see how it is possible for me to give any stronger assurance that the understanding has "been reached under circumstances affording a prospect of negotiation for the development and extension of trade between the United States and British America."

I have, &c.,

T. F. BAYARD.

No. 329.

Mr. West to Mr. Bayard.

WASHINGTON, June 22, 1885.

SIR: I have the honor to acknowledge the receipt of your notes of the 20th and 22d instant in regard to the proposed temporary arrangement touching the fisheries, in which you state that it is our clear and mutual understanding that such arrangement is only temporary, and that it proceeds from the mutual good-will of our respective Governments, and solely to avoid all difficulties which might otherwise arise from the termination of the fishing of 1885 in the midst of the season. Also that the same immunity which is accorded by this agreement to the vessels belonging to the citizens of the United States engaged in fishing in the British American waters will be extended to British vessels and subjects engaged in fishing in the waters of the United States, and that the agreement has been reached under circumstances affording a prospect of negotiation for the development and extension of trade between the United States and British North America.

As therefore there exists no substantial difference between our respective propositions and the statements as contained in our correspondence on the subject, I shall consider the agreement as embodied in our

memoranda and the correspondence between us as thus concluded, and shall inform Her Majesty's Government and the Governments of the Dominion of Canada and Newfoundland accordingly.

I have, &c.,

L. S. SACKVILLE WEST.

No. 330.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the treaty concluded between the United States of America and Her Majesty the Queen of Great Britain and Ireland, concluded at Washington on the 8th day of May, 1871, contains among other articles the following, viz:

ARTICLE XVIII.

It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers are hereby reserved exclusively for British fishermen.

ARTICLE XIX.

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE XX.

It is agreed that the places designated by the Commissioners appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common

right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under said first article of the treaty of the 5th of June, 1854.

ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish oil and fish of all kinds (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil), being the product of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

ARTICLE XXIII.

The Commissioners referred to in the preceding Article shall be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the high contracting parties shall also name one person to attend the Commission as its agent, to represent it generally in all matters connected with the Commission.

ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this treaty shall determine. They shall be bound to receive such oral or written testimony as either Government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Commissioners, to produce the originals, or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty.

ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the high contracting parties shall pay its own Commissioner and agent or counsel. All other expenses shall be defrayed by the two Governments in equal moieties.

ARTICLE XXX.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the Saint Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: *Provided*, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the possessions of Her Britannic Majesty in North America to another port or place within the said possessions: *Provided*, That a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the legislatures of the other colonies not to impose any export duties on goods, wares, or merchandise carried under this article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favor of the subjects of Her Britannic Majesty.

The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

ARTICLE XXXII.

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the legislature of Newfoundland, or the Congress of the United States, shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

And whereas, pursuant to the provisions of Article XXXIII of said treaty, due notice has been given to the Government of Her Britannic Majesty of the intention of the Government of the United States of America to terminate the above-recited articles of the treaty in question on the 1st day of July, 1885;

And whereas, pursuant to the terms of said treaty, and of the notice given thereunder by the Government of the United States of America to that of Her Britannic Majesty, the above-recited articles of the treaty

of Washington, concluded May 8, 1871, will expire and terminate on the 1st day of July, 1885:

Now, therefore, I, Chester A. Arthur, President of the United States of America, do hereby give public notice that Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXX, and XXXII, of the treaty of Washington, concluded May 8, 1871, will expire and terminate on the 1st day of July, 1885, and all citizens of the United States are hereby warned that none of the privileges secured by the above-recited articles of the treaty in question will exist after the 1st day of July next; all American fishermen should govern themselves accordingly.

Done at the city of Washington, this 31st day of January, in the year of our Lord one thousand eight hundred and eighty-five, and of the Independence of the United States of America the one hundred and ninth.

[SEAL.]

CHESTER A. ARTHUR.

By the President:

FRED'K T. FRELINGHUYSEN,
Secretary of State.

HAWAIIAN ISLANDS.

No. 331.

Mr. Daggett to Mr. Frelinghuysen.

No. 208.]

LEGATION OF THE UNITED STATES,
Honolulu, January 14, 1885. (Received January 30.)

SIR: A brisk and somewhat forced holiday trade has been followed by a general business depression, which is beginning to severely test the financial standing, not only of the retail dealers of Honolulu, but of many wholesale houses of reputed strength and responsibility. The large indebtedness under which the sugar and other industries of the islands have, with few exceptions, been laboring during the past three or four years, together with a very considerable decrease in the price of raw sugars, has resulted at last, as might have been expected, in very general financial distress. A number of mercantile failures have recently occurred, and others of greater magnitude are predicted in the near future.

This business stagnation has been rendered somewhat more depressing by the unsettled and unsatisfactory condition of the currency. It is claimed that the amount of Hawaiian silver in circulation is too great, and as a means of possible relief the Government has been asked to withdraw a portion of it from the channels of trade. Under an act of the last legislative assembly, all the silver in the Kingdom, aside from that of United States and Hawaiian coinage, has been received, exported, and sold at its bullion value for gold, by the Hawaiian Government, leaving in circulation here at the present time the million of dollars coined for the Government by Mr. Spreckels, together with a small amount, probably not to exceed \$50,000, of American silver. Both have a legal-tender value to the limit of \$10.

As American gold is scarce, and there is not a sufficient amount in the Treasury to redeem the gold certificates outstanding against it and payable on demand, and as merchants and others cannot meet their foreign obligations in Hawaiian silver or sell it for exchange, except at a discount of 15 per cent., the Government has been appealed to for relief. It has been asked to retire from circulation \$200,000 or \$300,000 of Hawaiian silver.

This the Government has consented to do, and on the 12th instant gave orders to the collector general of customs to receive Hawaiian silver without limit, until further notice, in the payment of customs duties, the purpose being to thus rapidly withdraw from circulation, and retain in the Treasury such amount as may be deemed to be in excess of the necessities of trade.

Although this action by the Hawaiian Government seems to be somewhat in derogation of its concession of the 5th of June, 1884, that a close adherence to the spirit of the treaty of 1875 called for the collection of customs duties in gold, as noted in my dispatch of June 14, 1884 (No. 157), I have not deemed it either friendly or advisable to officially question the propriety of its temporary departure in this instance from the strict line of treaty agreement and the unquestioned requirements of its own laws.

The Government is sorely pressed by complaint, and if the speedy retirement from circulation of the amount of silver mentioned will result in relief to the merchants of the Kingdom, American citizens in business here will be the first and largest class to be benefited.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 332.

Mr. Daggett to Mr. Frelinghuysen.

No. 215.]

LEGATION OF THE UNITED STATES,
Honolulu, February 14, 1885. (Received March 2.)

SIR: I have the honor to apprise you that, by the steamship Tokio, reaching here on the 8th instant from Yokohama, by way of Hong-Kong, 948 Japanese laborers arrived from Japan. About two hundred of the number are women and children, and all of them, I understand, have found labor engagements. The last legislative assembly appropriated \$50,000 for the encouragement of Japanese immigration, and these are the first of the three or four thousand which it is expected the appropriation will secure. The Government pays their passage and guarantees to them wages at a rate not less than \$9 per month and food, the month to consist of twenty-six working days. They seem, as a whole, to be a hardy and tractable class of laborers, and the planters have engaged them promptly.

With these immigrants arrived Mr. Jiro Nakamura, in the official capacity of consul of the Japanese Empire, to reside in Honolulu and look after the interests of his countrymen. He expects two additional shipments of laborers from Japan within the next six months.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 333.

Mr. Daggett to Mr. Frelinghuysen.

No. 217.]

LEGATION OF THE UNITED STATES,
Honolulu, February 14, 1885. (Received March 2.)

SIR: It was made public last evening that the Honolulu Chamber of Commerce, on the 11th instant, rescinded its action of the 29th of last November, agreeing to receive as United States gold coin the treasury certificates of the Government made redeemable in gold by an act of the last legislative assembly.

The aggregate amount of outstanding certificates which the Government undertook to redeem in gold was about \$1,000,000. After redeeming something over \$400,000 of the certificates in this manner, thereby reducing the gold in the treasury to \$90,000, the Government has temporarily suspended further redemption in gold.

The silver reserves are sufficient to meet the remainder of the outstanding certificates in that currency; but gold is demanded, and on the announcement by the treasurer that the \$90,000 in gold remaining in the treasury would be held to meet the accruing interest on the public debt, and that the holders of certificates must await further gold receipts by the Government, the chamber of commerce has seen fit to rescind its action of the 29th of November.

This movement has been followed by a refusal by the banks and many others to receive these certificates except as representatives of Hawaiian silver, either as deposits or in the purchase of exchange, and considerable embarrassment has resulted. As these certificates were issued on deposits of silver at par, and but \$580,000 of them remain outstanding, I cannot but regard this action by the chamber of commerce as hasty, ill-advised, and unfriendly. The certificates will unquestionably be redeemed in gold, as provided by law; but the Government asks that their redemption hereafter may be gradual, and as warranted by the gold receipts of the treasury. This has been refused by the chamber of commerce.

Unless the Government should conclude to convert its own silver coinage at its bullion value into gold to redeem these certificates at once, which is unlikely, the present financial stress must be left to work out its own remedy.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 334.

Mr. Daggett to Mr. Frelinghuysen.

No. 218.]

LEGATION OF THE UNITED STATES,
Honolulu, February 25, 1885. (Received March 16.)

SIR: I have the honor to inform you that by the order of the Hawaiian Government, the collector-general of customs resumed the collection of customs duties in United States gold coin on 16th instant.

As noted in my dispatch of January 14, 1885 (No. 208), orders were issued on the 12th ultimo, to receive Hawaiian silver without limit in the payment of customs duties until further notice. This was done

with the view of receiving into the treasury and temporarily retiring from circulation the \$200,000 or \$300,000 of Hawaiian silver supposed to be floating in excess of the demands of trade. As it was necessary, however, to at once disburse the silver thus received in the payment of the current expenses of the Government, the project brought no visible relief, and has therefore been abandoned. Customs duties are now payable as follows: All amounts of \$10 or under, in United States or Hawaiian silver; all amounts over \$10, in United States gold coin, or certificates of the Hawaiian Government calling for gold redemption.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 335.

Mr. Daggett to Mr. Frelinghuysen.

No. 219.]

LEGATION OF THE UNITED STATES,
Honolulu, February 26, 1885. (Received March 16.)

SIR: The population tables of the census of the Hawaiian Islands, taken December 26, 1884, have just been published. The previous census was taken December 27, 1878. The six years show an increase in population of 22,593, the returns of the two periods being as follows:

Population in 1884	80,578
Population in 1878	57,985
Increase in six years	22,593

As the decrease in the native population was 4,074, the increase noted is due in a great measure to immigration, principally of Chinese and Portuguese laborers, who now aggregate nearly 21,000 on the islands. In 1878 the strictly native population was 44,088, and in 1884, 40,014, showing, as above stated, a decrease in six years of 4,074.

The increase in half castes and other nationalities was, respectively, as follows:

Nationalities.	1878.	1884.	Increase.
Half castes	3,420	4,218	798
Hawaiians, born of foreign parents	947	2,040	1,093
Chinese	5,916	17,937	12,021
Portuguese	436	9,377	8,941
American	1,276	2,066	790
British	883	1,282	399
German	272	1,600	1,328
French	81	192	111
Other foreigners	664	1,850	1,186
Increase, other than native			26,667
Native decrease			4,074
Total increase			22,593

The sexes of the entire population are divided as follows: Males, 51,539; females, 29,039. This difference is largely due to the fact that of the 17,937 Chinese in the Kingdom, but 871 are females.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 336.

Mr. Daggett to Mr. Frelinghuysen.

No. 221.]

LEGATION OF THE UNITED STATES,
Honolulu, February 28, 1885. (Received March 16.)

SIR: Considerable dissatisfaction having risen from the inability of the Government to at once redeem in gold, as provided by law, its outstanding certificates, amounting to about \$550,000, an official declaration was made public yesterday, announcing that an amount of Hawaiian silver equal to the face of the outstanding certificates, with an addition of 16 per centum to bring the deposit up to a commercial equivalence with gold, will be retained in the treasury as security for the redemption of the certificates in the manner provided by law. It is further announced that the whole question of restoring a proper equilibrium between gold and silver in the Kingdom will be submitted to the next Legislative Assembly.

These assurances should, and doubtless will, restore popular confidence in the outstanding gold certificates of the Government.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 337.

Mr. Daggett to Mr. Bayard.

No. 233.]

LEGATION OF THE UNITED STATES,
Honolulu, April 27, 1885. (Received May 15.)

SIR: It is my painful duty to announce that Her Majesty, Queen Dowager Emma Kaleleonalani, died in this city, of apoplexy, on the 25th instant. She was born in 1836, and was the widow of Kamehameha IV. She leaves a considerable landed estate, but no immediate heirs. In blood she was one-fourth white, her grandfather having been John Young, an English sailor of capacity in the service of Kamehameha I. Without a distinguished chiefly strain, personal attraction commended her to Kamehameha IV, and she became the wife of that sovereign in 1856. On the death of King Lunailo, in 1874, she was an applicant for the succession, but received but six of the forty-five votes of the Legislative Assembly convened to name a successor, thirty-nine having been cast for David Kalakaua, the present King. Since that time she has had a very considerable following, and has not been without influence in the Kingdom.

With the death, a few months since, of Mrs. Bernice Pauahi Bishop, the Kamehameha family, so far as recognized, became extinct, and the decease of Queen Emma leaves no one to contest on the score of lineage, the sovereign right of the existing dynasty, which stands alone at last, as the sole representative, unless very remotely, of the Hawaiian rulers of the past.

After the customary lengthy period of mourning, the remains of the deceased Queen will be deposited in the royal mausoleum, near Honolulu.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 338.

Mr. Merrill to Mr. Bayard.

No. 14.]

LEGATION OF THE UNITED STATES,
Honolulu, August 14, 1885. (Received August 29.)

SIR: I have the honor to transmit herewith three copies of a circular manifesto, issued by his excellency Charles T. Gulick, a member of His Majesty's cabinet and president of the board of immigration, in reference to the policy of this Government toward contract laborers.

I have, &c.,

GEO. W. MERRILL.

[Inclosure in No. 14.]

CIRCULAR.

OFFICE OF THE BOARD OF IMMIGRATION,

Honolulu, August 10, 1885.

His Majesty's Government are anxious to secure the successful settlement in this country of Portuguese, Japanese, and other agricultural laborers, and the legislature by its liberal appropriations, and in the discussion which occurred in regard to immigrants of various nationalities that come to settle here, has manifested a similar feeling. Expressions of public opinion, both from those specially interested in the question of plantation labor and from other classes of the community, have forcibly indorsed this desire as the expression of a sound national policy. The arrangements for securing this settlement have been perfected, but, in order to attain satisfactory results, it will be necessary that the needs and requirements and the peculiarities of the several races of men who come to this country in the hope of thereby bettering their condition should be studied by those with whom they are brought into contract as employers.

Peculiarities of race require consideration. For instance, it must be evident to all who have had occasion to employ the Japanese that they are eminently a teachable race, and that at the same time it is only by a kind and just treatment that they can be successfully dealt with. Such treatment is indeed essential to success in the management of immigrant foreign laborers generally. In view of this fact it is well that the bases of the agreements which exist between His Majesty's Government and the several Governments interested in this subject should be clearly understood by all employers of laborers who are serving under original contracts with the board of immigration.

The understanding with the Japanese Government is that while the immigrants remain under their original contracts they are to be under the immediate guardianship of the Government, and that the planters to whom their contracts are assigned are the agents of the Government, the latter being really responsible on the original contracts at all points. This provision, which is but a definite and legal definition of the contents of the contracts themselves, will apply equally to Portuguese and all other laborers who are performing their original terms of service under contracts to which the board is a party.

From this understanding it follows that on the Government rests the duty of inquiring into, and endeavoring to settle in an amicable manner, all complaints and differences that may arise between the actual employer and the laborer. To insure the fulfillment of this duty, the Government has decided to establish under the board of immigration a special commission of inspection of Japanese laborers (of which Mr. Nakayama is at present the chief), also a special inspection of Portuguese and others, the whole system being under the direction of an inspector-general, who will receive his orders from the board of immigration. Under this arrangement the Government will be able to place inspectors and interpreters on the principal islands.

To these commissions of inspection all complaints on the part of employers of immigrant laborers are to be made. The laborers themselves will be instructed (as the Japanese have already been) to make any complaints they may have to these inspectors rather than to the representatives of their own Government, the twofold aim being to obviate the necessity of the several representatives making official complaints and also to secure the prompt settlement of all disputes that may arise between employers and employed without need of reference to the courts of law.

It is indeed fully understood that the actual employers of immigrants brought here by the Government being virtually agents of the Government, arrests for breach of service contracts are not to be made without the concurrence of the board of immigration. The Government has confidence that in almost all cases the action of the several commissions of inspection will render such arrests unnecessary.

It has further been distinctly considered and determined by the Government, that no employer or overseer (*luna*) shall be permitted, under any circumstances (except in self-defense), to strike or lay hands upon any contract laborer who is recognized as a Government ward. This determination is made binding by agreements to this effect, actually entered into; and it is rendered all the more important when considered in the light of the sensitive nature of the Japanese race, in particular, which renders any rough handling of the laborer abortive, if intended to secure obedience. It must therefore be understood by all employers that blows or other violence used against a contract laborer, except in absolute self-defense, will be deemed sufficient ground for the withdrawal of the assignment made to them of any person so dealt with.

It rests mainly with employers to make these new arrangements successful. It is only in detail that they are *new*. The spirit which animates this Government and the Governments of the several countries from which the immigrant laborers come is already embodied in the laws and in the settled polity of the Hawaiian Kingdom. Employers have now before them the understanding on which they hold the services of the immigrant laborers assigned to them, and if they endeavor to bring about the adjustment of all disputes which may arise with their laborers in the spirit of that understanding, they will also be acting in a spirit which will secure the cordial commendation, not only of the several Governments interested, but of all enlightened nations everywhere.

CHAS. T. GULICK,
Minister of Interior and President Board of Immigration.

No. 339.

Mr. Merrill to Mr. Bayard.

No. 20.] LEGATION OF THE UNITED STATES,
Honolulu, September 12, 1885. (Received September 30.)

SIR: I have the honor to inclose herewith three copies of regulations controlling Chinese immigration into the Hawaiian Kingdom, as officially published.

The inclosed regulations supersede those adopted March 25, 1884, and forwarded to the Department in dispatch of Mr. Daggett, No. 135, dated March 26, 1884.

I have, &c.,

GEO. W. MERRILL.

[Inclosure 1 in No. 20.]

REGULATIONS CONTROLLING CHINESE IMMIGRATION.

Foreign Office notice.—Regulations superseding those of March 25, 1844, for the control of Chinese immigration into the Hawaiian Kingdom.

By virtue of the authority conferred upon me by a resolution of His Majesty in cabinet council, passed on the 13th day of July, 1883, I hereby make and proclaim the following regulations for the admission of Chinese passengers entering this Kingdom:

"No. 1. From this date no vessel coming from a foreign country will be allowed to land more than twenty-five (25) Chinese passengers at any port in the Hawaiian Kingdom, unless the passengers in excess of that number are provided with passports entitling them to enter the Kingdom.

"No. 2. Passports entitling the holders to return to the Kingdom will be granted at the foreign office, Honolulu, to all persons of Chinese nationality now resident, or who

may hereafter become resident, on these Islands, who may desire to visit any foreign country, provided always that such persons have been engaged in trade or have conducted some industrial enterprise during at least one year of their residence here. No return passports will be given to Chinese laborers leaving the country.

"No. 3. Passports will be granted at the foreign office, Honolulu; also by His Majesty's consul-general at Hong-Kong, His Majesty's consul at Shanghai, and His Majesty's consul-general at San Francisco, to any Chinese women desiring to come to the Islands, and to Chinese children whose parents are residing in the Kingdom, or who may not be of more than ten years of age.

"No. 4. Passports entitling the holder to enter the Kingdom will also be granted at the foreign office to such persons of Chinese nationality as the minister of foreign affairs may claim it proper to admit to the Kingdom.

"No. 5. The fee for any passport issued under this regulation shall be two dollars (\$2).

"No. 6. The holders of passports issued under these regulations must have the same indorsed with the visa of the consular representative of this Kingdom at any port at which he may embark on his return journey, and also at any port at which he may stay more than twenty-four hours during such return journey.

"No. 7. The fee for the consul's visa of each passport shall be one dollar.

"All orders and instructions regulating the incoming of Chinese into this Kingdom heretofore made and proclaimed are hereby rescinded, but nothing herein contained shall affect the validity of any passport issued at Hong-Kong before the proclamation there of these regulations.

"WALTER M. GIBSON,
"Minister of Foreign Affairs.

"FOREIGN OFFICE, HONOLULU, September 1, 1885."

HAYTI.

No. 340.

Mr. Langston to Mr. Frelinghuysen.

No. 690.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, December 1, 1884. (Received Dec. 24.)

SIR: I have the honor to transmit a copy, with its translation, of a decree passed by the National Assembly of Hayti, October 6, 1884, and published in the official section of the *Moniteur* on the 11th of the same month, providing for the issue, upon the credit of the Republic, of two millions of gourdes of paper money.

The two classes of bills, ones and twos, provided for in the decree are to circulate on a par with the silver money of the country, and to be redeemed in portions of six hundred thousand gourdes at the end of each year, three fifths of the total proceeds of the fixed export duties upon coffee being set apart for said purpose.

All the details connected with the issue of this currency are placed in the hands and under the control of the secretary of state for finances, and already he has made arrangements with regard thereto, in the organization of a syndicate composed of twenty of the principal business men of this city who have entered upon their duties; and among the first things which they have done has been the ordering of the making and engraving of the bills of the two millions of gourdes at a price estimated at \$45,000 in the United States.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 690.—Translation.]

SALOMON, PRESIDENT OF HAYTI,

In view of articles 69, fourth paragraph, 167, third paragraph, of the constitution:

Whereas the fiscal balance of the year 1884-'85 cannot be attained in consequence of just and legal provisions which have diminished the export duties upon coffee and restored to the public functionaries the reserve operated upon them during the late civil troubles which agitated the country.

Whereas, to meet urgent expenses required by such situation, it has become necessary to make a floating debt and often to employ special resources appropriated to the payment of our external and interior debts; and that it is necessary for the honor and credit of the Republic to meet, in such measure as may be possible, the arrears of those obligations:

Upon the proposition of the secretary of state of finances, and with the advice of the council of secretaries of state, has proposed, and the National Assembly has voted with urgency the following decree:

ARTICLE 1. To meet the obligations enumerated above, the Government is authorized to borrow upon the credit of the Republic a sum of two millions of gourdes, guaranteed by the total product of three-fifths of the fixed duties of the exportation upon coffee, and which shall be redeemed in equal portions of six hundred thousand gourdes at the end of each year, the first of which shall commence to run from the day of the definitive close of said operation.

ART. 2. This loan shall be made by the emission of like sum in bills of one and two gourdes, which shall be current throughout the Republic and shall be received as the equal of our silver money by all the public and private cash offices.

ART. 3. An ulterior order shall determine the charges of making and emission, the division, the number and the stamp of the different series of the bills, the signatures with which they shall be clothed, the control to be exercised upon the emission, the mode of the annual withdrawal by means of drawing lots, as well as all the matters of detail relative to the present decree, which shall be printed, published, and executed at the diligence of the secretary of state of the department of finances and of commerce.

Given at the palace of the National Assembly, at Port-au-Prince, the 6th of October, 1884, the eighty-first year of the independence.

No. 341.

Mr. Langston to Mr. Frelinghuysen.

No. 692.]

LEGATION OF THE UNITED STATES,

Port-au-Prince, Hayti, December 4, 1884. (Received Dec. 24.)

SIR: After doing all I have found it convenient and practicable to undertake on behalf of Mr. C. A. Van Bokkelen, who is still held in confinement at the hospital in this city, before addressing the Government directly and in protest both as regards his arrest and protracted and illegal detention without definite and positive result, I have deemed it proper to-day, after making the efforts indicated, including conferences with Mr. B. St. Victor and the honorable attorney-general, Mr. Pierre, in obedience to your instructions in that behalf, to bring the matter to the attention of the Government in my dispatch, a copy of which is herewith transmitted to you.

It will be perceived that in my dispatch I bring the fact of Mr. Van Bokkelen's long detention, his feeble and failing health, as well as his illegal arrest in the first instance, and his confinement in contravention of the law and usages of this country under the treaty existing between Hayti and the United States and those of every civilized state of the world, against which I protest, to the attention of this Government, and ask that the case may command its immediate consideration.

I am, &c.,

JOHN MERCER LANGSTON,

[Inclosure in No. 692.]

*Mr. Langston to Mr. St. Victor.*LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, December 4, 1884.

SIR: Referring to conversation heretofore had with you with regard to the confinement of Mr. C. A. Van Bokkelen, a citizen of the United States, in the jail and hospital of this city for quite a year, awaiting, as it is pretended by those having authority, the action of your courts with reference to the decision as to his right by law, under the treaty existing between the Governments of Hayti and the United States, to make assignment of his property, personal or other, in the interest of his creditors, I have the honor to protest against his further detention, especially as he is in feeble and failing health, and neither his arrest, in the first instance, nor his confinement, accords with the law and usages of this country nor those of any civilized state of the world.

I bring this subject to the attention of your Government, Mr. Minister, in obedience to the special instructions of my own Government, and would respectfully but earnestly ask its immediate consideration.

I am, &c.,

JOHN MERCER LANGSTON.

No. 342.

Mr. Frelinghuysen to Mr. Langston.

No. 312.]

DEPARTMENT OF STATE,
Washington, December 9, 1884.

SIR: I herewith transmit copies of two letters from Mr. W. K. Van Bokkelen, of the 24th ultimo and 4th instant, in regard to the case of Mr. C. A. Van Bokkelen, imprisoned at Port-au-Prince, for debt; also one from Mr. C. A. Van Bokkelen, of the 19th ultimo, touching his case.

This correspondence shows that notwithstanding your most earnest efforts, Mr. Van Bokkelen is still in prison. You will therefore ask of the Government of Hayti his immediate trial or release. This much is alike due to Mr. Van Bokkelen and to the Haytian Government, which should not countenance unnecessary delays.

You will also furnish the Department with a full and concise history of this case, with all its bearings, to enable this Government to decide whether a violation of its treaty rights in this instance has occurred; and if so, to determine what measure of damages, if any, Mr. C. A. Van Bokkelen may be entitled to recover.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 312.]

*Mr. W. K. Van Bokkelen to Mr. Frelinghuysen.*155 BROADWAY, NEW YORK, *November 24, 1884.*

MR. SECRETARY: I thankfully acknowledge receipt of your communication of the 19th, and beg to call attention to the following received in advices from Port-au-Prince of date November 8:

"The United States minister had an interview with the President of Hayti, and by him had been referred to the minister of justice. On the 6th the minister of justice promised to grant the request made by Mr. J. Mercer Langston, for his sake and that of the United States Government, being stubborn and not willing to acknowledge a wrong done."

My son was illegally arrested and confined, in plain violation of treaty obligations, and has asked and demanded his release and indemnity solely on that ground, and his rights as an American citizen. It is plain that the authorities have allowed personal feelings to control them, setting aside justice (if such a thing is known in that country) to wreak vengeance on one who had made his business home with them.

May I again ask that if, from the dispatches received and to be received from Mr. J. Mercer Langston, the Department is of the opinion that treaty obligations have been violated in the case of my son, it will, after his release, see that full and just compensation is at once made for damage done, as England and Germany have before done?

I am, &c.,

W. K. VAN BOKKELEN.

[Inclosure 2 in No. 312.]

Mr. W. K. Van Bokkelen to Mr. Frelinghuysen.

155 BROADWAY,
New York, December 4, 1884.

MR. SECRETARY: Since my letter of November 24 I have dates from Port-au-Prince up to November 22. From them I learn that the minister of justice has replied to the Hon. J. Mercer Langston that my son has the rights accorded to Haytians, but the courts will not give a decision in the case.

Minister Langston promised my son that on the 25th he would accompany his attorney to court and ascertain why the case was not acted upon, reporting at once the result to your Department.

Mr. Secretary, is it for a moment to be supposed (the Government of Hayti, through its minister of justice, having stated that my son's arrest and confinement for ten months is in treaty violation), that his Government will allow him to remain in duress, because the courts will not act and revoke their previous prejudiced decision?

For God's sake, if you are of opinion that his arrest has been in violation of treaty obligations, I ask that the Government hastens his release and at once obtain satisfactory indemnification for damages to his business and injury to health.

If it is proper, may I ask if I am correct in thinking that treaty obligations have been violated in this case?

I am, &c.,

W. K. VAN BOKKELEN.

[Inclosure 3 in No. 312.]

Mr. C. A. Van Bokkelen to Mr. Frelinghuysen.

HAYTIAN HOSPITAL,
Port-au-Prince, November 19, 1884.

MR. SECRETARY: The continued persistence of the Government of Hayti in prolonging my unjust and illegal detention, by putting obstacles in the way and by the delay of judging my case, notwithstanding all the legal delays have expired, no opposition having been made by any one, except the Government itself, on the question of my nationality and that point guaranteed to me by the Department of State in its letter to me as to my rights under the articles 6 and 9 of our treaty; and also proved by the able arguments and authorities submitted to the Government of Hayti by our minister here, which they have been unable to confront by any argument.

Notwithstanding all this the Government of Hayti still keeps me in jail, causing great damage to my health, having already ruined my business and credit. All this goes to prove that the sentiments of this Government are hostile to Americans and their interests.

I again come to the Department of State to ask that such positive instructions be given our minister here that I may receive quick and prompt justice, and that he may be authorized to act as he deems wisely to accomplish that end at once.

I have full confidence that the Department, knowing that I have already been ten months illegally detained and health ruined, will see prompt justice done me for my suffering, all caused for the reason that I am what I am proud to be, an American citizen.

If further delay is required I beg of the Department to demand and our minister to see that at once I may be put in some place fit for a man more or less used to the comforts of a home, for where I am now I am constantly in contact with persons having

the seven-year itch, yellow fever, with sores infecting the air, and no steps taken to purify; a well man is liable to acquire sickness, much less a sick man to get well.

I demand at least \$50,000 compensation for injuries done and insult offered.

I am, &c.,

C. A. VAN BOKKELEN.

No. 343.

Mr. Langston to Mr. Frelinghuysen.

No. 695.]

LEGATION OF THE UNITED STATES,

Port-au-Prince, Hayti, December 17, 1884. (Received Jan. 10, 1885.)

SIR: I have the honor to advise the Department that on the 12th instant it came to the knowledge of this legation that Mr. Alexander C. d'Almena, a naturalized American citizen, formerly a subdirector of the National Bank of Hayti, who had been called before the judge of instruction of this city for examination with regard to certain valuable papers said to have been taken feloniously from the bank, had, after his examination, been placed in close confinement in the common jail; whereupon I immediately waited upon Mr. B. St. Victor, the secretary of state for foreign relations, and advised him that I desired to visit Mr. d'Almena for the purpose of learning his condition, and whether he was in need of assistance of any sort. My statement was made to him verbally. He promised me an early reply as to my request so soon as he could communicate with his colleague, the secretary of state for public justice. On last Sunday, not having received permission to visit Mr. d'Almena, believing from all the information I could get that injustice was being done him, and that he needed and deserved my attention and help, I addressed Mr. B. St. Victor on the subject, in the note a copy of which is herewith inclosed and transmitted to you.

It will be perceived that in my note I do not undertake to discuss any law question, nor do I express any intention to obstruct or in any manner to interfere with any legal process which this Government has seen fit to institute in the premises, certainly not until I have seen and conferred with Mr. d'Almena, and it will be perceived that I demand permission only to visit and confer with my fellow-citizen who is denied all communication with his friends and his official representative.

To-day I have received a dispatch from Mr. St. Victor, a copy of which I shall hereafter transmit to the Department, in which he advises me that the Haytian authorities will not allow me to visit Mr. d'Almena.

Several French citizens have been imprisoned in the same manner as Mr. d'Almena. One has been in close confinement for some three months. I have understood that the French representative has not been permitted to see any one of his citizens thus confined. I have deemed it my duty, however, to take the course indicated and to bring the matter to the attention of the Department at once for its instructions.

It will be understood that I have had no communication with Mr. d'Almena, and that the Haytian authorities claim to imprison him and to deny me the right to see him under their law, which confers upon the judge of instruction such power in connection with the examination of witnesses in criminal matters even though that examination be only preliminary.

It will also be understood that no charge has been preferred against Mr. d'Almena; that he was called as witness, and when his examination

had been concluded he was ordered into close confinement in the common jail to await the further orders of the judge of instruction. It will be seen that this officer is exercising most wonderful authority and may thereby do great injustice and wrong.

Awaiting your instructions, I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 695.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, December 14, 1884.

SIR: The undersigned, after acknowledging the receipt of your two dispatches yesterday having reference to the case of Mr. d'Almena, without at this time entering upon any discussion of the matters of law involved therein, and without having any intention to obstruct or in any manner to interfere with any legal process which your Government has seen fit to institute in the premises, certainly not until after he has conferred with Mr. d'Almena, asks that permission be granted him without further delay to visit and confer with Mr. d'Almena, an American citizen, who, as he has been informed and believes, and as you admit, is at present closely confined in the common jail of Port-au-Prince.

The undersigned awaits, Mr. Minister, your immediate response.

With renewed assurance, &c.,

JOHN MERCER LANGSTON.

No. 344.

Mr. Frelinghuysen to Mr. Langston.

No. 321.]

DEPARTMENT OF STATE,
Washington, January 2, 1885.

SIR: I have to acknowledge, with approval, the receipt of your No. 692 of the 4th ultimo in regard to the imprisonment of Mr. C. A. Van Bokkelen, at Port-au-Prince, for debt, and to say that a copy of your dispatch has been transmitted to his father, Mr. W. K. Van Bokkelen, at New York, in response to his letter of the 25th ultimo, a copy of which, as a matter of record, I herewith inclose.

You will continue to exert every proper effort in Mr. Van Bokkelen's behalf to secure his early release.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 321.]

Mr. W. K. Van Bokkelen to Mr. Frelinghuysen.

155 BROADWAY,
New York, December 25, 1884.

MR. SECRETARY: I again call your serious attention to the case of my son, Mr. C. A. Van Bokkelen. I have dates from Port-au-Prince up to the 9th instant. I cannot too strongly praise the energy shown by Mr. J. Mercer Langston, our minister resident, in the case.

On the 3d he went with my son's lawyer before the court, and his presence made the judges say that in a week or two they would act; of course you know what this means.

On the 5th our minister made an official demand for my son's release, and received a reply stating that the matter had been referred to minister of justice (same old story). Is it usual for your Department to refer foreign ministers to our Attorney-General? To this reference, as before, no reply had been received.

If I am correctly informed as to steps taken and demands made by our minister in this matter, I do not hesitate to say that in the case of my son all civilized rules have been violated, treaty obligations thrown aside, and a determination shown upon the part of the Haytian Government to do as they please, and to sustain to the extreme the first gross violation of law in my son's case.

I now ask that at once my son's case receive, not in words, but by force, the assistance of his Government, and that the steps taken will let the bigoted, uncivilized Haytians know that passion shall not rule.

Thanking you for what has been done, I pray the administration will not allow this case to pass over to the incoming one.

I am, &c.,

W. K. VAN BOKKELEN.

[Indorsement.]

Mr. Niles to Mr. Frelinghuysen.

DECEMBER 26, 1884.

DEAR SIR: The strength of this case is its merits. From what I know of it, I cannot too strongly urge upon the Department positive and prompt steps to obtain at once Mr. Van Bokkelen's release and indemnity for damages.

I am, &c.,

NATHANIEL NILES.

No. 345.

Mr. Langston to Mr. Frelinghuysen.

No. 702.]

LEGATION OF THE UNITED STATES,

Port-au-Prince, Hayti, January 14, 1885. (Received Jan. 28.)

SIR: I have the honor, referring to your dispatch No. 312, dated December 9, 1884, received on the 28th ultimo, to transmit, as herewith inclosed, copies of the entire correspondence which has passed between this legation and the Haytian Government as to the imprisonment and release of Mr. C. A. Van Bokkelen.

It will be perceived from the dispatch of Mr. St. Victor, dated December 5, 1884, on this subject, herewith inclosed, with its translation, that after acknowledging the receipt of my dispatch of the 4th of the month, denying that I had had a conversation with him as to Mr. Van Bokkelen's incarceration, but stating that it was perhaps with his colleague, the secretary of state of justice, he agrees to transmit a copy of my dispatch, referred to, heretofore sent to you, to his colleague for his investigation and consideration. Accordingly, on the 10th of December, 1884, Mr. St. Victor addressed me a dispatch, containing under its cover an opinion of the secretary of state of justice, in which the fact of Mr. Van Bokkelen's appeal from the decision of the civil tribunal to the court of cassation, as regards his right to make an assignment of his property in the interest of his creditors, is dwelt upon; and his right to make such assignment upon proper security to the satisfaction of his creditors, since he cannot own and hold real estate in this country, is admitted by the learned secretary of state of justice. In view, however, of his colleague's opinion, Mr. St. Victor concludes his brief dispatch by holding that the imprisonment of Mr. Van Bokkelen is made necessary by the condition of his case as it stands before the courts,

A copy of Mr. St. Victor's dispatch, with its translation, and copies of its inclosures, with their translations, are herewith transmitted. To this dispatch and the opinion referred to I made a reply on the 11th of December, 1884. A copy of my dispatch is transmitted.

In this dispatch I seek to avoid extended argumentation. I insist categorically that the arrest and imprisonment of Mr. Van Bokkelen are illegal, and that he should be released without delay. In pressing this view I state that Mr. Van Bokkelen, after he has remained in confinement for quite a year, contrary to the treaty existing between the United States and Hayti, without judgment being rendered against him, and after he had offered to make surrender of all his property to his creditors, according to the law of Hayti in such cases provided. I ask his immediate freedom from further imprisonment in this case.

I state, in concluding my dispatch, that I would like to have an answer so as to communicate the reply of the Haytian Government to my own on the following day, and ask it accordingly. But to this dispatch I did not get an answer from the Haytian Government till the 19th of December last, when I received a dispatch from Mr. St. Victor containing an inclosure which purported to be a full history of the cases in which Mr. Van Bokkelen appears as a defendant, and in which judgments have been rendered against him.

Mr. St. Victor, after alluding in his dispatch to his having advised me that he had referred my dispatch to his colleague, the secretary of state of justice, and after stating that he makes haste to transmit to me a copy of the letter addressed to such officer on the subject, in which Mr. Vérité presents the history of the cases in which Mr. Van Bokkelen figures, as already stated, concludes by expressing the hope that I will, after examining the considerations contained in this letter of the commissary of the Government, renounce the opinion expressed in my dispatch of the 11th December, and will let justice take its own course in the matter.

The commissary of the Government, Mr. Vérité, shows in his letter that judgments against Mr. Van Bokkelen have been rendered in favor of some four parties, as follows:

(1) Messrs. L. Toplitz & Co., New York, for \$3,496.86; judgment rendered in the court of cassation February 15, 1883, and in default of payment imprisonment is ordered for one year; and Mr. Van Bokkelen was imprisoned, accordingly, March 5, 1884, on procedure instituted by Mr. J. Archin, the attorney of the firm named.

(2) The National Bank of Hayti for \$400, not including interest, charges, and expenses, and for \$500, on same conditions, judgments having been rendered in the court of commerce June 25, 1883, and in default of payment imprisonment is ordered for three years in each case; and Mr. Van Bokkelen was accordingly imprisoned March 5, 1884, upon the procedure of the bank.

(3) Mr. J. Archin, his judgment being for \$635.68, rendered April 7, 1884, in the court of commerce, and in case of default of payment imprisonment is ordered for three years.

(4) Mr. St. Aude fils, for the restoration of 160 bonds upon the *caisse d'amortissement*, the judgment rendered November 20, 1883, in the civil tribunal, and Mr. Van Bokkelen was proceeded against for imprisonment by Mr. St. Aude fils on the 31st day of March, 1884; the court, however, does not seem to have fixed the time of imprisonment in case of default as to its judgment.

As regards the "*cession de biens*" brought before the civil tribunal by Mr. Van Bokkelen in favor of his creditors, Mr. Vérité says he be-

believes that such tribunal rejected it by its decision made May 27, 1884, against which Mr. Van Bokkelen has appealed to the court of cassation, the supreme court of the country; and he concludes his letter by expressing the hope that the information which he furnishes will enable the secretary of state of foreign relations to reply fully to my dispatch.

Copy of the dispatch of Mr. St. Victor, with its translation, and the letter of Mr. Vérité, with its translation, are herewith transmitted.

This letter of Mr. Vérité states this whole matter of Mr. Van Bokkelen from the Haytian standpoint in the strongest possible light in favor of that Government against our citizen, and perhaps all that is said is true so far as the proceedings which have been had against him are concerned.

His case, however, as regards the matter of his right to make an assignment of his property in the interest of his creditors, and his right thereupon to immediate release from imprisonment, under the law and the treaty of 1864 existing between our country and Hayti, are stated briefly, but I trust clearly, in my dispatch of the 22d of December, 1884, a copy of which is herewith transmitted.

It will be perceived that I claim that Mr. Van Bokkelen, an American citizen, residing in Hayti, under the treaty of 1864 and Haytian law, which should be construed and enforced in his case in the light of the treaty, according, certainly, to the precedents of France, from whose legal provisions the very language of the Haytian statutes is borrowed, has the same right to make an assignment of his property in the interests of his creditors, and upon the same conditions, that a Haytian has, and thus relieve himself from bodily constraint.

It is well-nigh to the same conclusion that the honorable secretary of state of justice comes in his learned opinion transmitted herewith, with his brief note which accompanies it, and which indorses the general doctrine of the opinion, as inclosures to Mr. St. Victor's dispatch of the 10th of December, 1884. He would agree with me exactly did he not maintain the very absurd doctrine that Mr. Van Bokkelen, unlike a Haytian, may be required, in the matter of his assignment, to furnish security to the satisfaction of his creditors, when no such requirement is made generally, and never of a Haytian.

Referring to article 6 of the treaty, he uses the words, "the securities required by his creditors," as if these words had any application in a case like this of Mr. Van Bokkelen. And then again, referring to article 9 of the treaty, admitting that according to it an American citizen residing in Hayti may dispose of his effects by sale, gift, testament, or otherwise, the secretary seeks to discuss the question as to whether Mr. Van Bokkelen is able to dispose at present of such amount of movable property as to constitute a serious pledge, as he phrases it, which his creditors would accept; as if such matter had legal significance, or as if such question was ever debated in the case of a Haytian.

Another thing the honorable secretary entirely forgets to consider is the term for which our citizen is to be imprisoned. The imprisonment of Mr. Van Bokkelen aggregates in its duration, in the cases in which it is ordered by the courts, ten years, each term, except that on the judgment in favor of Toplitz & Co., being double the term which would be imposed in case of a Haytian. And besides he forgets to indicate upon what authority Mr. Van Bokkelen is now detained, in which one of the cases decided against him, pending the consideration of his appeal in the matter of his denial of the right in the civil tribunal to make an assignment on the sole ground of his American nationality. On what judgment is he imprisoned?

On the 27th day of December, 1884, Mr. St. Victor acknowledged the receipt of my dispatch of the 22d of that month, and advised me that he had referred it to the secretary of state of justice for his consideration of the objections I offered to his view of the case, with the request that his response be made as soon as possible. His dispatch to such effect, with its translation, is herewith transmitted.

After waiting quite long enough for such promised answer from the honorable secretary of state, I addressed him a brief dispatch to-day, asking him that he let me hear from him without longer delay. I have the honor to transmit, as herewith inclosed, a copy of my dispatch.

It will be observed that in my dispatch of the 22d of December last I emphasize the fact that, in the court of cassation, so far by reason of an apparent indisposition and non-action on its part, the appeal which Mr. Van Bokkelen made and perfected therein long ago from the civil tribunal having reference to his right to make an assignment of his property in the interest of his creditors, has not been considered, as it ought to have been, and disposed of; and to-day I beg to add, I find no promise of an early, reasonable, and just consideration of the appeal in such court. Meantime, our citizen, as I believe and maintain, is illegally restrained of his liberty, and I have demanded his freedom. It does not matter that, by reason of the feeble condition of his health, on my demands, he is permitted to occupy quarters miserable enough at the military hospital of this city.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 702.—Translation.]

Mr. St. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, December 5, 1884.

Mr. MINISTER: I have the honor of acknowledging the receipt of the dispatch which you addressed me yesterday, by which, in referring me to a conversation which we have had, you say, on the subject of the incarceration of Mr. C. A. Van Bokkelen, you protest against the prolongation of his imprisonment, notwithstanding his sickness, and contrarily, you think, to the law and to the usages of the country, and you demand an "immediate examination" of this fact.

Permit me to observe to you that you are mistaken in suggesting that we have had a conversation on the subject. Perhaps it may have been with my colleague of the department of state of justice that you had such interview.

Nevertheless I hasten to transmit to my colleague a copy of your dispatch, with request to let me know the state of the affair of Mr. Van Bokkelen. I will have the honor to transmit to you his answer as soon as it reaches me.

Please accept, &c.,

B. ST. VICTOR.

[Inclosure 2 in No. 702.—Translation.]

Mr. St. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, December 10, 1884.

Mr. MINISTER: I have the honor of confirming my dispatch of the 5th instant in answer to yours of the 4th instant, on the subject of the affair of Mr. C. A. Van Bokkelen.

The secretary of state of justice, whom I had begged to inform me of the state of the question, responded to my demand on the 6th instant.

Herewith is a copy of his dispatch, and of the one which he addressed to you on the 18th of November last, in answer to the communications which you had made to him directly on the same affair.

I invite your entire attention to these two documents, particularly the last, which, while furnishing you all the information necessary, lead to the conclusion that the prolongation of the imprisonment of Mr. Van Bokkelen, detained at the hospital, is inherent in the state of his affair before the courts.

Accept, &c.,

B. ST. VICTOR.

[Inclosure 3 in No. 702.—Translation.]

The secretary of state of the department of justice to the secretary of state of foreign relations.

REPUBLIC OF HAYTI,
Port-au-Prince, December 6, 1884.

MY DEAR COLLEAGUE: In answer to your dispatch of yesterday, No. 231, inclosing copy of a letter that the minister of the United States has addressed to you relative to the imprisonment of Mr. C. A. Van Bokkelen, I forward to you under this cover, being unable to make any other answer, copy of my dispatch to Mr. Langston on the 18th of November last, No. 554, which is based on the principles of the laws.

My compliments.

INNOCENT MICHEL PIERRE,

A true copy.

The chief clerk of the division of foreign relations,

M. DELVA.

[Inclosure 4 in No. 702.—Translation.]

The secretary of state of the department of justice to Mr. Langston.

REPUBLIC OF HAYTI,
Port-au-Prince, November 18, 1884.

Mr. MINISTER: I have the honor of returning to you the two memoranda which you have had transmitted to me concerning Mr. A. Van Bokkelen, applicant in judicial assignment of goods.

After an examination of these two documents, I find that according to the terms of Article 794 of the code of civil procedure, which does not admit strangers to the benefit of assignment, the civil court of this place has rejected the request presented by Mr. Van Bokkelen, and this decision has been deferred to the appreciation of the court of appeals to be annulled, as having misinterpreted the spirit and text of the sixth and ninth articles of the treaty between Hayti and the United States of America. Moreover, I have remarked that one of the memoranda says that in presence of this violation it is the duty of the Government of Hayti to call the serious attention of the court of appeals to this affair.

Allow me to observe to you, Mr. Minister, that this superior court having taken up the affair of Mr. C. A. Van Bokkelen, will not fail, as it ever has done, to conform to the law in rendering its decision, and that I am no wise authorized, in my quality of secretary of state of justice, to intervene to trace a course to be followed in this circumstance.

From my point of view, Mr. Minister, I think that article 6 of the treaty gives to American citizens resident in Hayti the free access to the courts of the Republic in all cases where they are interested, under the same conditions as natives, but with this restriction, "*furnishing securities required in the case.*"

Now, to enjoy the benefit of assignment to which a stranger is not admitted, conformable to article 794 of the code of procedure, by reason that if he was admitted to this benefit, not having any real estate guarantee to furnish, he might by disappearing render illusory all pursuit that might be directed against him, it is necessary, as in this case, that the American defendant furnish, according to the provision of article 6, the *securities required* by his creditors.

I also see that according to article 9 of the same treaty, the American citizen may dispose of his *movable goods* by sale, donation, testament, or otherwise. Relying on this last word, Mr. C. A. Van Bokkelen in the present case would be able to make an assignment of his movable property so as to enjoy the benefit of assignment in ques-

tion, but it remains to know if this debtor can dispose of at this moment movable goods sufficient to be a serious guarantee which his creditors would accept. This is a question to be settled.

I take this opportunity, &c.,

I. MICHEL PIERRE.

A true copy.

The employé of first class,

[L. S.]

D. DUJOUR.

A true copy.

The chief clerk of division of foreign relations,

M. DELVA.

[Inclosure 5 in No. 702.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, December 11, 1884.

SIR: I beg to state, after acknowledging the receipt of your dispatch of the 10th instant, with its inclosures, in reference to the arrest and detention of Mr. C. A. Van Bokkelen, that neither your dispatch nor the dispatch of the honorable minister of public justice is responsive to my dispatch on the subject in any way or sense.

It is admitted that Mr. Van Bokkelen has been arrested, and that he is now in confinement. But I insist that his arrest and confinement are both illegal, and hence Mr. Van Bokkelen should be released; and in obedience to the instruction of my Government, I have brought the case to the consideration of the Government of Hayti.

Now, Mr. Minister, in view of the law of the case, under the treaty made and existing between Hayti and the United States of America, after Mr. Van Bokkelen has remained in confinement for quite a year without judgment being rendered against him, and after he has offered to make surrender of all the property which he owns in the interest of his creditors, according to the law of Hayti in such cases provided, I have the honor, in the most respectful but earnest manner, to ask that your Government direct his immediate freedom from further imprisonment in this case.

I desire, Mr. Minister, to communicate to-morrow your decision in the case to my Government, and therefore ask your immediate reply to this dispatch.

Renewing, &c.,

JOHN MERCER LANGSTON.

[Inclosure 6 in No. 702.—Translation.]

Mr. St. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, December 18, 1884.

MR. MINISTER: In answer to your dispatch of the 11th instant on the affair of Mr. Van Bokkelen, I have the honor of informing you that I submitted that dispatch to the secretary of state of justice, begging him to make it possible for me to answer you as soon as possible.

I hasten, therefore, to transmit herewith copy of a letter by which the commissary of government of the capital gives to my colleague the history of this affair.

I hope that after having well examined the considerations contained in this letter of the commissary of government, you will renounce your manner of viewing it expressed in your dispatch of the 11th instant, and let justice take its course in the affair in debate.

Accept, &c.

B. ST. VICTOR.

[Inclosure 7 in No. 702.—Translation.]

The commissary of government of the civil court of Port-au-Prince to the secretary of state of justice.

PORT-AU-PRINCE, *December 16, 1884.*

MR. SECRETARY OF STATE: Conforming to the instructions contained in your dispatch of the 13th instant, I hasten to bring to your knowledge that which follows:

Mr. Charles Adrien Van Bokkelen some time ago drew on the firm of L. Toplitz

& Co., of New York, two drafts, amounting to the sum of three thousand four hundred and ninety-six piasters, eighty-six cents value, which he should reimburse in a fixed delay. At the expiration of this delay, Mr. Van Bokkelen not having satisfied Messrs. Toplitz & Co., they encharged Mr. Joseph Archin, lawyer of the bar of this city, to enter a law-suit against the said Van Bokkelen to obtain payment. Mr. J. Archin set to work and obtained in last resort of the two sections united of the court of appeals of the Republic a decision pronounced in solemn session on the 15th of February, 1883, condemning the said Mr. Van Bokkelen to pay without delay to the said Messrs. Toplitz & Co. the above, with interest, costs, and expenses, and in case of non-payment fixed one year's imprisonment, the duration of the bodily restraint exercised according to the terms of article 8 of the decree of the 22d of May, 1843.

The said Mr. Van Bokkelen, not having acquitted, in contempt of the order which had been given to him, he was confined in the prisons of this city on the 5th of March of this year, by a bailiff's clerk, on the request of the said Messrs. L. Toplitz & Co.

Such was the state of affairs when the other creditors of Mr. Van Bokkelen, who are mentioned below, hastened to recommend him on the register of confinement of the prison, by virtue of judgment which had acquired the authority of things adjudged emanating both from the court of commerce and the civil tribunal of Port-au-Prince.

The said Mr. Van Bokkelen was recommended on the 5th of March of the present year by the National Bank of Hayti, represented by Mr. J. C. Antoine, lawyer of the bar of this city, in execution of a peremptory judgment rendered on the 25th of June, 1883, by the court of commerce of this place, condemning the said Mr. C. A. Van Bokkelen to pay to the said bank the sum of four hundred piasters, not including interest, cost, and expenses, amount of a note protested, subscribed by the said Van Bokkelen to J. B. Souffront, and indorsed to the order of the said bank, which judgment fixed at three years' imprisonment the duration of bodily restraint to be exercised in virtue of article 8 of the decree aforementioned.

He was recommended on the same date, March 5, by the same bailiff, at the request of the said National Bank of Hayti, in execution of another judgment of the same court, condemning the said Mr. Van Bokkelen to pay without delay to the said bank the sum of five hundred piasters, not including interest, cost, and expenses, amount of another note subscribed by the said Mr. Van Bokkelen to J. B. Souffront and indorsed to order of the said bank, and in case of non-payment fixed the duration of bodily restraint to be exercised, always in virtue of article 8 of the decree above mentioned, to three years' imprisonment.

He was recommended the 30th of April, 1884, by Joseph Archin, in virtue of a judgment rendered by default the 7th of April of the current year by the court of commerce of this place, condemning the said Mr. Van Bokkelen to pay to the said Mr. J. Archin the sum of six hundred and thirty-five piasters, sixty-eight cents, including interest, cost, and expenses, amount of a note subscribed by Mr. Van Bokkelen, February 6, 1884, to Mr. H. Dalencourt, passed to the order of the said Archin, fixing at three years' imprisonment the duration of the bodily restraint to be exercised in case of non-payment.

He was again recommended, March 13 of this year, by St. Aude fils, in virtue of a peremptory judgment of the civil court of this place, at the date of November 20, 1883, which condemns him to restore to the said St. Aude one hundred and sixty bonds of the caisse d'amortissement, &c.

Such, Mr. Secretary of State, is the precise information that I am called to furnish to you on the motives determining the detention in prison of this city of this stranger.

Now, as to what regards his demand of assignment of property brought before the civil court of this place by the said Mr. Van. Bokkelen, in favor of his creditors, I believe, to my knowledge, the said court has rejected, by its decision of the date of May 27 of this year, decision against the said Van Bokkelen, who has had recourse to an appeal to the court of cassation. This supreme court has not yet rendered its decision.

I would be happy if these informations here inclosed may enable your colleague of foreign relations to answer, with full understanding of the case, the diplomatic note of Mr. Langston, minister resident of United States of America.

In this expectation, I have the honor, &c.,

JN. LS. VÉRITÉ.

A true copy.

The chief clerk of division (S),

EUGNE BOURJOLLY.

A true copy.

The head clerk of the bureau of foreign relations,

M. DELVA.

[Inclosure 8 in No. 702.]

*Mr. Langston to Mr. St. Victor.*LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, December 22, 1884.

SIR: After acknowledging the receipt of your dispatch of the 18th instant, with its inclosures, regarding the imprisonment of Mr. C. A. Van Bokkelen, I have the honor, without discussing with you at this time the historical statement with respect to the several judgments rendered in your courts against him, as made by Mr. Vérité, to state that Mr. Van Bokkelen is now deprived of his liberty solely on the ground of his nationality, in contravention of the plain provisions of the treaty of 1864, existing between the United States of America and Hayti, and against the law of Hayti as the same should be expounded and enforced in the case of a foreigner in debt, and who seeks, by assignment of his property in the interests of his creditors, to secure his release from prison.

Mr. Van Bokkelen is a foreigner—in the language of your law, a “stranger”—but he is an American citizen, and, although this be true as regards his status under our treaty, he is given the same rights and immunities as regards and concerns the “cession de biens” as the Haytian himself under the law of his country.

The language of the provisions of the law of Hayti upon this subject is taken from the provisions of the law of France upon the same subject, and in the French courts, as regards the construction of the words of the law as applicable to foreigners seeking to avail themselves of the right to make assignment of their goods, as Mr. Van Bokkelen does, the right is never denied, but always conceded to them.

Under the treaty certainly, whether we consider simply the sixth and ninth articles thereof, or its general text even as the same bears indirectly on this matter, with the law of Hayti construed and applied in the light thereof, Mr. Van Bokkelen is entitled to the immediate decision of your court of cassation upon his appeal thereto, after being denied such right in your civil tribunal almost a year ago, and meantime, during such delay as may be required to arrive at such decision, to his liberty, as he has tendered under the law the assignment of all his effects of every kind and sort in the interest of his creditors.

Now, Mr. Minister, is Mr. C. A. Van Bokkelen, an American citizen, residing in Hayti, and doing business under the treaty of 1864 subsisting between our Governments, according to the law of Hayti as properly construed, entitled to the right and privilege of making as a Haytian an assignment of his property in the interest of his creditors, and thus release himself from his present confinement?

It is this question which he sought to have answered in his appeal to your court of cassation, an appeal made and perfected long ago, but to this hour not considered by the court; which all the while discovers a purpose not to hear and decide the case; and hence my demand, after so long a time, with Mr. Van Bokkelen deprived of his freedom by indisposition, apparently, and non-action on the part of the court, that he be released from confinement while the court consults its convenience as to *when* and *how* it shall consider and determine the matter.

What else, Mr. Minister, can be done? Shall Mr. Van Bokkelen be held longer, under the circumstances, deprived of his liberty?

Awaiting your answer, Mr. Minister,

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 9 in No. 702.—Translation.]

*Mr. St. Victor to Mr. Langston.*DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, December 27, 1884.

MR. MINISTER: I have the honor to acknowledge the receipt of the dispatch which you addressed me on the 22d instant, in answer to mine of the 18th instant, which transmitted to you the history of the affair of Mr. Van Bokkelen.

I have submitted your dispatch to the secretary of state of justice, begging him to let me have as soon as possible, to be addressed to you, his opinion on the objections which you present in regard to this document.

Accept, &c.,

B. ST. VICTOR.

[Inclosure 10 in No. 702.]

*Mr. Langston to Mr. St. Victor.*LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, January 14, 1885.

SIR: In acknowledging the receipt of your dispatch of the 27th of last month, having relation to the affair of Mr. C. A. Van Bokkelen, I have the honor to advise you that I await impatiently the response which you therein promise to make to my dispatch addressed to you on the 22d of December, 1884.

Be pleased, Mr. Minister, to let me hear from you without further delay.

I am, &c.,

JOHN MERCER LANGSTON.

No. 346.

Mr. Frelinghuysen to Mr. Langston.

No. 324.]

DEPARTMENT OF STATE,
Washington, January 20, 1885.

SIR: I have received your No. 695, of the 17th ultimo, relative to the imprisonment of Mr. Alexander C. d'Almena, an American citizen, at Port-au-Prince, and the refusal of the authorities there to allow you to hold any conversation with him, in view of the provisions of a Haytian law, "which," you say, "confers upon the judge of instruction such power in connection with the examination of witnesses in criminal matters, even though that examination be only preliminary."

Detention of witnesses to prevent their disappearance and insure their giving testimony when called for is common in the jurisprudence of all countries, and special provisions exist in those where the principles of the civil law are in force relative to the detention *au secret* of an accused person; but such detention should be reasonable and not unduly prolonged or harshly enforced, and is merely a temporary measure in the administration of justice.

You will, therefore, in this view of the case, urgently protest against the treatment accorded Mr. d'Almena, as contrary to international rights. He should be fairly tried or released without delay.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 347.

Mr. Langston to Mr. Frelinghuysen.

No. 706.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, January 21, 1885. (Received Feb. 11.)

SIR: I have the honor to advise you, referring to your dispatch No. 321, received yesterday, that I have not ceased to do all in my power in obedience to your instructions, to secure the release of Mr. C. A. Van Bokkelen.

The correspondence passing between this legation and the Haytian Government on the subject, since my last report thereupon, copies of which are herewith transmitted, will show this to be true.

I addressed Mr. St. Victor, in regard to this matter, on the 14th instant, asking a response to my dispatch of the 22d ultimo. On the 16th instant he wrote me saying that he had referred my dispatch to his colleague of justice, and had, after receiving my last dispatch, referred it to him also, with the request to present his views to him, as asked, upon my dispatch of the 22d of December.

But I did not wait for a response longer than the 19th instant, when I addressed Mr. St. Victor again in a dispatch, in which I present, somewhat at length, considerations in favor of the immediate release, which I once more demand, of Mr. Van Bokkelen.

The considerations are such, both as regards the law and the facts involved, in the face of the admissions made by the law officer of the Government in his opinion of the 18th of November last, already transmitted to you, that I cannot see how the authorities can longer detain this American citizen.

Copies of the several dispatches are herewith transmitted, as already stated.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 706.—Translation.]

Mr. St. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, January 16, 1885.

MR. MINISTER: I have the honor to acknowledge the reception of your dispatch of the 14th instant, and to inform you that I have communicated it to my colleague of justice, requesting him to let me have his opinion on the subject of your letter of the 22d of December last, concerning the affair of Mr. Van Bokkelen, that I had submitted to him for that purpose.

As soon as my colleague shall have answered me, I will hasten to forward you his response.

Please accept, &c.,

B. ST. VICTOR.

[Inclosure 2 in No. 706.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, January 19, 1885.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 16th instant, received on the 17th, but I am at an utter loss to understand your course in regard to the case of Mr. Van Bokkelen, which has been under discussion between us already too long. He is detained in confinement, deprived of his liberty, upon a decision of your civil tribunal, which is without foundation in law, as declared in the opinion of your learned secretary of state of public justice, already communicated to you, and by you communicated to me, solely upon the apparent indisposition and inactivity of your court of cassation, to which appeal was taken many months ago, and by which action ought to have been taken without unreasonable delay, annulling the decision of the under court and relieving Mr. Van Bokkelen of bodily restraint by granting him such right, under the plain intent and meaning of your law as to the right of assigning one's property in the interest of his creditors, construed and enforced in the clear light of the treaty existing between the Government of the United States and Hayti.

Now, Mr. Minister, shall this citizen of the United States of America, restrained of his freedom simply because he is an American citizen, be longer detained in his confinement, against the law and in violation of our treaty?

Mr. Van Bokkelen did, Mr. Minister, in tendering the assignment of his property in the interest of his creditors, comply with every requirement of your law in that

behalf, and his property, credits, and other assets were such in quantity and quality as to constitute such sufficient guarantee to his creditors that not one of them offered objection to his proceeding in that regard.

He was denied by the court itself the right of assigning his property solely and simply, as you will see by the record, on the ground of his American citizenship. He is a stranger, an American citizen, and therefore the court held he cannot assign his property so as to relieve himself against his bodily constraint in Hayti. This does not accord, Mr. Minister, with your law; it is violative of your treaty obligations with my Government, and it is contrary to the opinion of the learned secretary of state of public justice, as I conceive, already alluded to, dated November 18, 1884, transmitted by you as an inclosure in your dispatch of the 10th day of December last, addressed to me. Upon which one of the judgments that have been rendered against him is this American citizen held in prison?

Mr. Van Bokkelen, Mr. Minister, is restrained of his liberty, kept in confinement, contrary to law, in feeble and declining health, awaiting the too tardy action, the intolerable and unjustifiable delay, of your court of cassation, which does not, and which apparently will not, act in this case.

In view of such considerations and facts, Mr. Minister, once again I demand the immediate release of Mr. Van Bokkelen.

Awaiting your favorable reply, and protesting against all delay in the premises,
I am, &c.,

JOHN MERCER LANGSTON.

No. 348.

Mr. Langston to Mr. Frelinghuysen.

[Extract.]

No. 708.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, January 24, 1885. (Received Feb. 11.)

SIR:

* * * * *

As to the matter of the release of Mr. C. A. Van Bokkelen, I beg to state to you at once that as I received your dispatch I received one yesterday from the Haytian Government, refusing to release him, and indicating that it will not, under the circumstances, do so, only as the pressure of force, real or probable, is brought to bear upon it.

I shall not cease, however, to do every possible thing to secure his release, according to your instructions heretofore given. But I shall hereafter labor in this case without hope, only as I am supported by the Department in the manner indicated.

A copy of the letter, or dispatch, herein mentioned, with its inclosure, I shall, of course, hereafter transmit.

I am, &c.,

JOHN MERCER LANGSTON.

No. 349.

Mr. Frelinghuysen to Mr. Langston.

No. 328.]

DEPARTMENT OF STATE,
Washington, February 2, 1885.

SIR: I have received your No. 702, of the 14th ultimo, giving a very full and clear report of the case of Mr. C. A. Van Bokkelen, which may be briefly summed up as follows:

It is clear that if Mr. Van Bokkelen were a Haytian citizen a simple assignment and proceedings in bankruptcy would suffice to release him.

He being an alien, however, and so prohibited from holding real estate, Mr. Van Bokkelen cannot make the required assignment.

Now, the Haytian law applicable to this case cannot require a man to do a specific thing and prohibit him the means of doing so. Hence, as Mr. Van Bokkelen suffers because he is an alien, the treaty between the United States and Hayti is clearly violated in his person.

I have pleasure in approving your course in this matter, and desire that you will continue your efforts to secure Mr. Van Bokkelen's release.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 350.

Mr. Langston to Mr. Frelinghuysen.

No. 712.]

LEGATION OF THE UNITED STATES,

Port-au-Prince, Hayti, February 4, 1885. (Received Feb. 23.)

SIR: I have the honor to advise you that, after no little amount of corresponding, and several protracted conferences with the President himself and the secretary of state of foreign relations, with regard thereto, the claims of Mr. Mossell for injuries to himself and wife, and of Mr. Garrido for maltreatment, on the 22d and 23d days of September, 1883, in this city, were settled in an amicable adjustment on the 3d instant.

For Mr. Mossell I accepted, after full explanation from and to him, to his entire satisfaction, as his letter, a copy of which herewith inclosed will show, the sum of \$10,000 in American gold, or its equivalent, which I have received and paid to him upon his receipt, which is on file in this legation.

For Mr. Garrido I have accepted in settlement of his claim the sum of \$2,000 in American gold, or its equivalent, which has been paid me, whereof I shall notify Mr. Garrido, and upon his demand at once pay him the money, placing his receipt therefor upon file.

I have the honor also to report that I am pressing the adjustment of all the claims for the property of American citizens destroyed on the days of September, 1883, mentioned, with the prospect now of their early settlement.

I am persuaded that you will approve my action, in connection with the reclamations already settled, when I advise you that so far in my entire conduct, while I have in no wise given the least offense by my persistent and positive presentation of the demands of our citizens, I have promoted our influence with the Government and the community.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 712.]

Mr. Mossell to Mr. Langston.

PORT-AU-PRINCE, HAYTI,

February 4, 1885.

DEAR SIR: We tender you our thanks for the manner in which you have presented, managed, and settled our claim against the Haytian Government, founded on abuses perpetrated upon myself and family 23d September, 1883, by officers and soldiers of the Haytian Government.

Mr. Minister, the results, which are accomplished facts, are entirely satisfactory. We have been thoroughly vindicated by our Government, and in view of the facts so ably and truthfully presented by you, the Haytian Government, after making willing confession of wrong doing, paid an indemnity of \$10,000 in gold, which amount we have received.

According to our notion the settlement includes both a fair transaction and moral triumph, the far-reaching consequences of which cannot be estimated by dollars any more than the outrages perpetrated upon myself and family can be paid in dollars.

We have been able to note already some of the moral effects of the settlement, *c'est à dire*, our Christian influence has been augmented, our sphere of usefulness enlarged, and we have been placed on good and easy terms with his excellency, the President of Hayti, and the authorities of the Republic.

Mr. Minister, in closing this letter we beg to assure you of our thanks, our sympathies, and our congratulations; and we are happy in the opinion that our Government, in whose interest you have so assiduously and successfully labored, will graciously accord you its most distinguished approval.

Yours, &c.,

C. W. MOSSELL.

No. 351.

Mr. Frelinghuysen to Mr. Langston.

No. 331.]

DEPARTMENT OF STATE,
Washington, February 13, 1885.

SIR: I herewith transmit for your information a copy of a communication* from Mr. E. D. Bassett, of the 13th ultimo, in regard to the case of Mr. C. A. Van Bokkelen; also one from Mr. C. A. Van Bokkelen himself, of the 18th of December last, in the matter.

I have stated to Mr. Bassett that although I had given his letter attentive perusal, I was disinclined to transfer to Washington a discussion of the merits of Mr. Van Bokkelen's case, and that your action in his behalf to secure for him impartial treatment had received the Department's approval.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 331.]

Mr. C. A. Van Bokkelen to Mr. Frelinghuysen.

PORT-AU-PRINCE PRISON,
December 18, 1884.

MR. SECRETARY: The persistent refusal of the Government of Hayti to grant my release on rights accorded by the treaty and demanded by the Hon. J. M. Langston in the name of the United States, and as against the rules of all civilized nations, will make me liable at any moment to be thrown back into prison and probable death, unless Mr. Langston is sustained by the Department in his demand that the Articles 6 and 9 fully accord me the simple right of liberty of my person, not a discharge from indebtedness.

My only resource will be to fly the country and seek justice on my native soil, being obliged to abandon my interest here, all on account of my nationality, which can clearly be proved to amount to thousands of dollars in landed property and cash accounts. Even now being on the ground and unable to have justice, what would my absence be? I have already suffered; my credit and business ruined (also my health), which cannot be paid by \$100,000 and to which our minister here can testify.

* For this inclosure see document No. 388, p. 547.

I again ask that the Department inform me, by first occasion what its intentions are in regard to having justice done me, that I may put my life in security before the present administration leaves office; that I may be in a position to continue to try and have justice done me.

I am, &c.,

C. A. VAN BOKKELEN.

No. 352.

Mr. Langston to Mr. Frelinghuysen.

No. 715.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, Feb. 25, 1885. (Received March 11.)

SIR: I have the honor, referring to your dispatch, No. 324, dated January 20, 1885, to state that, on the 12th instant, in a dispatch of some length, in clear and positive, though respectful, terms, in obedience to your instructions, I asked the Haytian Government to give Mr. d'Almena, who had been too long already detained in the common jail of Port-au-Prince, his liberty. I transmit herewith a copy of my dispatch.

To this dispatch Mr. St. Victor replied in a brief line on the 13th instant, advising me that the subject had been referred to his colleague, the secretary of state of justice, for his consideration, and upon receiving his response he would communicate it to me.

I herewith transmit, with its translation, a copy of such reply.

But on the 23d instant, instead of letting me have, as he had agreed to do, the opinion of the secretary of state of justice in this case, Mr. St. Victor inclosed in a brief dispatch a letter from that official covering another letter from Mr. Ernest Bonhomme, "le juge d'instruction," as he terms himself, who states that he believes that the supplementary examination which the secretary of state of justice seems to have asked him to institute would be completed this week.

I transmit herewith a copy and translation of Mr. St. Victor's dispatch, a copy and translation of the letter of Mr. Pierre, and a copy and translation of the letter of Mr. Bonhomme.

I have advised Mr. St. Victor to-day that his reply thus far to my demand for the release of Mr. d'Almena is insufficient, and in obedience to the instructions of my Government I insist upon his release.

I have the honor to transmit a copy of my dispatch to such effect.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 715.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, February 12, 1885.

SIR: In calling your attention once more to the case of the American citizen, A. C. d'Almena, who has been confined in the common jail of this city since the 10th of December last, charged with being the accomplice of the abuse of confidence committed against the National Bank of Hayti, as implicated with Mr. F. B. Coles, when the said Coles was chief of the bookkeeping of the bank, after full and careful examination of a large number of witnesses, as I am advised in the case, without implication or probable guilt being found against Mr. d'Almena, and after sixty-three

days of detention and imprisonment, a large part of that time having been passed by Mr. d'Almena in enforced close confinement, I beg to enter to your Government my earnest though respectful protest against the illegal, severe, and unnecessary treatment which it accords this American citizen, treatment which is clearly violative of all international right, while I ask in the name of right and justice his immediate release. And this, Mr. Minister, I do upon the positive instructions of my Government.

With the renewal of my exalted consideration,
I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 2 in No. 715.—Translation.]

Mr. St. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, February 13, 1885.

MR. MINISTER: I have the honor to acknowledge the receipt of your letter of the 12th of this month, relative to the imprisonment of Mr. A. C. d'Almena, an American citizen.

I make haste to communicate this dispatch to the secretary of state of justice, and I shall not fail to make known to you the response of my colleague so soon as he shall have sent it to me.

You will accept, &c.,

B. ST. VICTOR.

[Inclosure 3 in No. 715.—Translation.]

Mr. St. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, February 23, 1885.

MR. MINISTER: In acknowledging the receipt of your letter of the 12th February, instant, I told you in my dispatch that communication thereof had been made to my colleague of justice.

I have the honor to transmit to you under this cover copy of his letter of the 21st instant, and of that communicated bearing the same date and the No. 17 of the judge of instruction near the civil tribunal of this district, addressed to my colleague.

These two papers are relative to the affair of d'Almena.

Accept, &c.,

B. ST. VICTOR.

[Inclosure 4 in No. 715.—Translation.]

The secretary of state of the department of justice to the secretary of state of foreign relations.

REPUBLIC OF HAYTI,
Port-au-Prince, February 21, 1885.

MY DEAR COLLEAGUE: While demanding of the public prosecutor of the district why the affair of Mr. d'Almena has not yet been sent to the chamber of council, I have communicated to him your dispatch as well as a copy of the letter of Mr. Langston, minister of the United States of America. This officer of the parquet has just sent the reply of Mr. E. Bonhomme, judge of instruction of the district to whom this affair is referred—reply which I communicate to you herewith inclosed, praying you to return it to me when you have no further need of it.

My most profound compliments.

INNOCENT MICHEL PIERRE.

A true copy.

The chief of bureau of the department of foreign relations,

M. DELVA.

[Inclosure 5 in No. 715.—Translation.]

The judge of instruction to the commissary of the government.

REPUBLIC OF HAYTI,
CHAMBER OF CRIMINAL INSTRUCTION,
Port-au-Prince, February 21, 1885.

Mr. COMMISSARY: I acknowledge the receipt of your letter of the 20th instant and the papers you have sent me in your communication.

I am upon the point of accomplishing the supplement of information which you have required me to make. I hope to be able to finish next week.

I salute you, &c.,

ERNEST BONHOMME.

P. S.—I return to you also the dispatches communicated.

A true copy.

The chief of bureau of the department of foreign relations,

M. DELVA.

[Inclosure 6 in No. 715.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, February 25, 1885.

SIR: In acknowledging the receipt of your dispatch of the 23d instant, with its inclosures, a copy of a letter from your colleague of justice, addressed to you, under the cover of which a copy of a letter addressed to him by Mr. Bonhomme, was found, I have the honor to state that it does not appear to me that you have so far shown anything like justifiable grounds upon which to hold Mr. d'Almena in prison.

You will recollect, Mr. Minister, that seventy-five days have elapsed since he was put in confinement, quite long enough, one might conclude, for making the most difficult and certain charge against him upon the evidence and the law, should such exist, and now the extent and measure of your reply upon Mr. Bonhomme's letter is that "the supplement of information" which the minister of justice has required of him he thinks will be closed next (this) week.

But, Mr. Minister, upon what principle of law or usage can Mr. d'Almena be longer held? Once more, therefore, upon the instructions of my Government, I insist upon his release.

Awaiting your early solution of this case,

I am, &c.,

JOHN MERCER LANGSTON.

No. 353.

Mr. Langston to Mr. Frelinghuysen.

No. 717.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, February 25, 1885. (Received March 11.)

SIR: I have the honor to advise you that the case of Mr. Van Bokkelen, who is still confined in the military hospital of this city, has, during the past week, been fully and ably, on the part of his attorney, argued in the court of cassation.

The decision of the honorable judges has not, as yet, been delivered. It is feared by his friends as well as himself that when delivered it will be adverse to his right and power of making an assignment in favor of

his creditors, so as to release himself from prison. The law, however, is clear and unmistakable in this regard.

Mr. Van Bokkelen has been quite unwell latterly, in fact, very feeble; and when, at his earnest request to me to do so, urged and importuned by his wife, I asked the Government to let him come to his home for a time, where he could be properly treated and cared for, giving my own assurance that he should be held at the orders of the Government till his case was disposed of, although I had been promised verbally by Mr. St. Victor that it should be done, the Government declined to do it. But I would not complain overmuch, for during all the time Mr. Van Bokkelen has been in the hospital he has been allowed to go home every evening and for some days he has been passing his entire nights at home. I am doing all I can to make his miserable condition tolerable.

I am, &c.,

JOHN MERCER LANGSTON.

No. 354.

Mr. Langston to Mr. Frelinghuysen.

No. 720.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, March 4, 1885. (Received March 21.)

SIR : Referring to your dispatch No. 328, dated February 2, 1885, having reference to the case of Mr. C. A. Van Bokkelen, still confined, as imprisoned for debt, being refused by the Haytian tribunal upon a decision from which he had appealed to the court of cassation, the supreme court of the country, the one of final resort, I have the honor to transmit, as herewith inclosed, a copy of the judgment which was rendered by such court on the 28th ultimo, with its translation, according to which the decision of the under court referred to is entirely sustained, the right to make an assignment ("la cession de biens judiciaire") is a civil right belonging only to Haytians, and that the sixth and ninth articles of the treaty of November 3, 1864, do not confer such privilege upon Americans residing in Hayti, or upon Haytians residing in the United States of America.

This decision, as it would appear, is a grave and serious one under the circumstances, affecting not simply the rights and the liberty of Mr. Van Bokkelen, who is detained, deprived of his freedom by imprisonment for debt, but it is far-reaching and comprehensive, involving the interpretation and application of the treaty existing between the two Governments as regards the rights and privileges generally of American citizens residing in Hayti doing business here under the laws of the country.

For both of these reasons this decision must command the attention and consideration of our Government, and as regards Mr. Van Bokkelen's case, particularly, I shall await the instructions of the Department with no little solicitude.

Meantime I shall do all I may to secure, by a clear and truthful view of the law under the treaty presented, as I hold it, to the Government, the release of our citizen.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 720.—Translation.]

Decree of the court of appeals of Hayti.

Whereas the judicial assignment of property is an institution of civil right, the articles 769 of the code of civil procedure and 569 of the code of commerce excepting foreigners from the benefit of this institution, since they do not exercise in Hayti all rights, they can only enjoy privileges derived from natural rights, or of mankind, and not those which are derived from purely civil law.

Whereas nowhere in the treaty of friendship, of commerce, of navigation, and of the extradition of fugitive criminals, concluded November 3, 1864, between the United States of America and the Republic of Hayti, is to be found that it confers upon the citizens of these two countries the right to exercise the judicial assignment of property, there can be concluded from the terms of articles 6 and 9 of the treaty nothing which would authorize the opinion that this right could be invoked in the United States by a Haytian or in Hayti by an American. In consequence thereof, Americans cannot enjoy in Hayti such civil right, the enjoyment of which is attached exclusively to the quality of a Haytian. That in stipulating that "the citizens of the contracting parties should have free access to the courts of justice in all cases wherein they may be interested, on the same conditions that the laws and usages of the country give to their citizens, furnishing security required in the case," this provision of the article 6 was not intended to grant to the citizens of these two nations the enjoyment of civil rights which do not attach to citizens.

Therefore it follows from that which precedes that the judgment denounced has made a good and just application of articles 769 of the code of civil procedure and 569 of the code of commerce, and a sound interpretation of the articles 6 and 9 of the treaty above cited.

For such reasons, and without there being any necessity of passing on the result of non-acceptance raised by the parties, the court rejects the appeal made by Mr. Charles Adrien Van Bokkelen against the judgment rendered May 27, 1884, by the civil court of Port-au-Prince, orders, in consequence, the confiscation of the fine deposited, and condemns the said Mr. Van Bokkelen to the expenses, liquidated at the sum of —, not including the cost of the present decrees.

Given and pronounced by us, B. Lallemand, president; J. Martineau, E. Valles, M. Fremont, and F. Nazon, judges, at the palace of justice of the court of appeals, in public session, on the 26th of February, 1885.

Signed as follows on the minutes: B. Lallemand, E. Valles, Fremont, J. Martineau, F. Nazon, and P. Lerebours.

A true copy.

P. LESPES,
Lawyer.

No. 355.

Mr. Bayard to Mr. Langston.

No. 339.]

DEPARTMENT OF STATE,
Washington, March 13, 1885.

SIR: Acknowledging the receipt of your No. 717, of the 25th ultimo, respecting the case of Mr. Van Bokkelen, who is still confined in the military hospital at Port-au-Prince, pending the determination by the court of cassation of the question as to his right to make an assignment of his property for the benefit of his creditors, I have to request you to promptly inform this Department of the nature of the decision as soon as it is made known by the court.

I am, &c.,

T. F. BAYARD,

No. 356.

Mr. Langston to Mr. Bayard.

No. 723.]

LEGATION OF THE UNITED STATES,

Port-au-Prince, Hayti, March 17, 1885. (Received April 15.)

SIR: I have the honor to bring to your attention that, after protracted and persistent effort, involving a great amount of verbal and written discussion regarding the general mode and details of considering, determining, and settling the claims of the American citizens sustaining losses of property in connection with the events of the 22d and 23d days of September, 1883, at Port-au-Prince, agreement has been reached between the Haytian Government and this legation, substantially upon the principles and conditions contained in my memorandum, as approved by the Department, submitted to this Government by me on the 15th of July, 1884, with regard thereto, as you will find fully set forth in the correspondence which has passed between Mr. St. Victor and myself, copies of which are herewith transmitted.

I also inclose a brief but important letter addressed to me from Mr. Charles Weymann, containing an explanation of a clause found in Mr. St. Victor's dispatch of the 25th of February, 1885, with regard to the discount to be made upon the claims of our citizens allowed by the commission.

It will be seen that I consent to submit these claims to a mixed commission, composed of four persons, two Haytian and two American citizens—Messrs. B. Lallemand and C. A. Preston, Haytians, and Messrs. Charles Weymann and Dr. John B. Terres, Americans; that the nationality or citizenship of our citizens is not to be called in question before the commission; that the estimates of value of property destroyed are to be made and paid in American money or its equivalent in current funds, and that upon a discount of 10 per cent. upon the several amounts allowed by the commission such allowances are to be paid at once. Such conditions will appear fully set out in the dispatch of Mr. St. Victor of February 25, 1885.

Upon such conditions being fully understood and accepted it will be perceived that I consent to the instructions which the honorable secretary of state of foreign affairs has seen fit to give in formal manner to the Haytian members of the commission. There can be no objection to the instructions as formulated and understood by us. I transmit, as herewith inclosed, a copy and translation of them.

It is unnecessary, as I conceive, after this full and to some extent special allusion to and mention of the contents of the correspondence referred to, to particularize as to the subject-matter of each particular dispatch, letter, and paper constituting the inclosures to this dispatch, especially since they pertain to the one general matter coming in the natural order of the debate thereupon, in accordance with their respective dates.

It is to be regretted that, just as the debate closed between us on this subject and we were ready to proceed at once to take the very last step in order to the submission of the claims to the commission, as constituted and agreed, on the 7th instant, Mr. St. Victor was called, by the sudden and sad news of the extreme sickness and probable death of his son, to leave hurriedly his official duties and his country to seek and care for his child at Paris. However, Mr. Brenor Prophète, his colleague of the department of state of war and marine, who has been charged with the

department of state of foreign relations, assures me that the matter shall be taken up at once where Mr. St. Victor left it, and that the claims of our citizens shall be examined, determined, and paid according to the agreement reached by his colleague and myself.

I shall press the matter; but should the final settlement be a little delayed, it is really determined and must shortly be accomplished.

Ours are the only citizens losing property, as indicated, who have not been forced, under the arrangements finally made by their different diplomatic representatives, and approved by their several governments, to wait six years for the payment of their claims, and to take such payment at last in Haytian money.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 723.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, February 11, 1885.

SIR: According to the understanding already had between us, I have the honor to advise you that I have selected the American citizens Messrs. Charles Weymann and Edward Cutts, of this city, as members on behalf of the Government of the United States of the mixed commission, to be constituted by us to consider and determine the amount due the American citizens, severally, whose property was destroyed at Port-au-Prince, on the 22d and 23d days of September, 1883, in connection with the events occurring in this city at that time. It would please me to meet you at an early day to determine when and where the commission, when organized, shall hold its sessions.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 2 in No. 723.—Translation.]

Mr. St. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, February 12, 1885.

MR. MINISTER: In accordance with the agreement existing between us since Sunday, the 25th of last month, and confirmed by your dispatch of the 11th instant, received yesterday, I have the honor to advise you that, with Messrs. Charles Weymann and Edward Cutts, whom you have named, will be joined Messrs. B. Lallemand, president of tribunal of cassation, and C. A. Preston, designated by the Government of the Republic to form a mixed commission to which shall be submitted the American reclamations growing out of the events of September 22 and 23, 1883.

I have the honor in consequence to communicate to you, herewith inclosed, the text of the instructions in conformity with which the commission should examine such reclamations.

I do not doubt, Mr. Minister, that you will ratify these instructions, which are drawn up according to justice and equity. Thus have I the hope that your next response to this communication will express your entire compliance.

In that which concerns the sessions of the mixed commission, I would add that it will itself choose its place and will fix the day and hour of its meetings.

You will accept, &c.,

B. ST. VICTOR.

[Inclosure 3 in No. 723.—Translation.]

The Secretary of State of Foreign Relations to Messrs. B. Lallemand and C. A. Preston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, February 12, 1885.

MESSRS. AND ESTIMABLE FELLOW CITIZENS: The greatest interests of the nation find themselves placed in your hands by the exalted and delicate mission whereof to-

day you are charged. The Government has counted in the circumstance upon your patriotism and your intelligence, and it hopes that you will give to its service all the activity of which you are able to dispose to bring to a desirable end the conferences which you are about to open.

I ought not to pretend to mark out in these few lines a complete code of instructions to follow in the exercise of your duty; it imports only that I bring to your attention some essential points of the matter to be settled, to tell you how so far it has been met by the Government. That will be to initiate you into its views and its aspirations.

It is sought, as you know, to fix the figures of the indemnities to be accorded to foreigners whose interest has been directly destroyed at the times of the events which took place the 22d and 23d September of last year at Port-au-Prince. [1883.]

While leaving the responsibility of these scenes of disorder, pillage, and conflagration to the rioters of those days, the Government has determined that at present it is its duty to avoid all difficulties, all unhappy complications with the foreign powers, it has itself, in anticipation of reclamations, declared that it recognized the principle thereof, happy to give in the circumstance the most complete affirmation of its firm purpose to offer every security to foreigners and to capital which immigrate into the country. This principle admitted, it remains to approach in unity all the elements of indisputable appreciation the discussion of the figure of the indemnities with the foreign commission, the members of which, Messrs. Weymann and Edward Cutts, have been designated by the chief of the American legation of this city.

The work of the mixed commission shall not be subject to revision. You ought to judge sovereignly and without appeal, and it will suffice to express to you a just idea of the high confidence which is placed in you and which commands you, by consequence, to employ all care, all discernment, all tact, all equity necessary in the solutions to intervene. You are armed with powers of a court of arbitration judging in last resort, and in case of an equal division of votes upon the indemnities to be fixed it will be your duty to name an umpire to give you a casting vote.

From powers so extended, you will permit me to repeat it to you, follows the obligation for you to neglect nothing to furnish you with all the elements of nature to cast the most lively light upon the facts which you are going to examine, and the deplorable consequences which have been the result thereof. It is to sources of information the most fruitful, and at the same time the most pure, that you ought to have recourse to settle your judgments upon a just and equitable basis.

After the preparatory work, which will consist necessarily in making a list of the claimants, in placing opposite each name the figure of the indemnity demanded, you will make an exposé of the facts of the reclamation, supported by all the proofs. It is then that the debates contradictory can be opened and that a conscientious and profound examination shall fix your judgment.

You ought not to lose from view that the object of your mission consists in determining the figure of the indemnities to be accorded to foreigners whose interests have been directly destroyed by the fact of pillage or conflagration resulting from the events occurring the 22d and 23d of September, of the year 1883, at Port-au-Prince.

It is enough to tell you that you ought to declare the rejection of reclamations founded upon indirect damages resulting from the same facts. There is no further controversy upon the solution of these questions. Recent examples are there to form it.

With your powers already so extended, the Government confers upon you the right of inquiry without limits. This shall be therefore the principal point of your operations, and it imports that you shall exercise that right in the largest manner to be exactly informed in your examination. Seek again carefully, with all the means possible, the proofs which you shall lack; call and interrogate witnesses; enlighten your judgment by drawing from all the sources worthy of confidence, and notably from official sources, which cannot fail you.

Is the loss of merchandise discussed? In the absence of valid balance-sheets, or all other sufficient papers, the documents of the custom-house, will they not offer you the necessary provisions of a just appreciation of the nature and of the importance of the commerce of the claimant?

I confine myself to this single example, as it will belong to you, certainly, to generalize in addressing yourselves to other public administrations if necessity should make itself felt in that regard.

Such are, in substance and in a manner evidently abridged, the general instructions which should serve as a guide to your operations. At the close of your conferences you will prepare a report in detail, to which should be annexed all the minutes of your sessions, &c. If, in the course of your investigations, any points of detail, which I have not been able to anticipate, should arise to hinder the progress thereof, you will be good enough to present them to me. I will make haste to have an understanding on such subject with Mr. Langston, minister of the American Government, and I am persuaded, with the spirit of good will, of conciliation, of justice, which animates

him, there will be no lack of understanding on his part with me to settle the difficulties and place you in a position to accomplish to the general satisfaction the difficult and important mission with which you are charged.

The present instructions have been communicated to the minister of the United States of America, who entirely adheres to them; you can then from their reception betake yourself to your labors.

Accept, &c.,

B. ST. VICTOR.

[Inclosure 4 in No. 723.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, February 14, 1885.

SIR: In acknowledging the receipt of your dispatch of the 12th instant, having reference to the mixed commission to be organized to consider and determine the claims of American citizens for property destroyed in connection with the events occurring at Port-au-Prince on the 22d and 23d days of September, 1883, I have the honor to state that I do not and cannot accept the instructions which, as presented in the inclosure to your dispatch, you ask me to approve as proper, to be given to the commission to be appointed for the purpose indicated.

You are fully aware, Mr. Minister, of the conditions and terms expressed verbally by you and myself on this subject, and you must appreciate the fact that the old instructions heretofore employed by you in the case of commissioners engaged under other circumstances can have no just application in regard to the matters to be adjudicated between us.

I await your further pleasure in the premises.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 5 in No. 723.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, February 21, 1885.

SIR: In acknowledging the receipt of your amended instructions by the hand of Mr. Weymann, to the members of the mixed commission named by you to replace the former instructions, which, according to your desire, I herewith return, always holding in mind the verbal understanding to which we have come in the premises, I have the honor to advise you that I am content to proceed to the examination and settlement of the indemnities of American citizens for property lost in connection with the events of the 22 and 23 days of September, 1883, at Port-au-Prince, before the Commissioners, Messrs. Lallemand and Preston, as named by you, and Messrs. Weymann and Cutts, as named by me, they to have the power, conjointly, in case of their inability to agree upon the indemnity, to be allowed to name an umpire to act with them upon such matter.

With the renewal, &c.,

JOHN MERCER LANGSTON.

[Inclosure 6 in No. 723.—Translation.]

Mr. St. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, February 24, 1885.

MR. MINISTER: Have the goodness to return to me the letter of February 14, instant, that I had remitted to Mr. Charles Weymann, *our interpreter in the conference of January 25, last*, with the request that he would make certain observations to you on its contents.

Accept, &c.,

B. ST. VICTOR.

[Inclosure 7 in No. 723.]

*Mr. Langston to Mr. St. Victor.*LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, February 24, 1885.

SIR: In acknowledging the receipt of your dispatch of this date, having reference to the return of your letter of the 14th instant, sent me by Mr. Charles Weymann, I have the honor to advise you that I cannot consent to the return of such letter; for, as I have advised you already, I am ready and await your action to have the mixed commission agreed to by us to proceed with the consideration and determination of the claims of American citizens losing property in connection with the events of the 22d and 23d days of September, 1883, in Port-au-Prince.

Awaiting your response, I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 8 in No. 723.—Translation.]

*Mr. St. Victor to Mr. Langston.*DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, February 25, 1885.

MR. MINISTER: I have the honor to acknowledge the receipt of your dispatch of the 24th instant, and to assure you once more of the desire of my Government to arrive with you at a definite understanding as to the settlement of the American indemnities, the only ones connected with the events of the 22d and 23d September, 1883, which remain for us to settle.

There is certainly in the last correspondence which we have exchanged in that regard a misunderstanding, which it is our interest to remove as soon as possible.

In refusing to return to me the dispatch which you had addressed me the 14th instant, and which I had returned to Mr. Charles Weymann, our interpreter at the conference of the 25th of January, charged to make to you in that respect communications in the name of the Government, you seem to declare that you withdraw it, and that it ought to be, by consequence, considered null and void.

I would not insist more thereupon, and I would arrive at the points of our verbal agreement, as you recall it relative to the American indemnities to be fixed by the mixed commission established by common agreement between us.

It is a fact that the modifications made in my previous instructions to the Haytian commissioners were commanded by the force of the circumstances or by the delay occasioned in the examination of your claims.

There is no further need, 1st, to occupy myself with the mode of payment of the indemnities, since the legislative chambers have already pronounced themselves in that regard; 2d, to determine on the other part the money which should serve to pay those indemnities, since it has been agreed between us, after the observations which you have made me and which I have admitted, that this ought to be American money or its equivalent—that is to say, all other money augmented by the ordinary or current premium on the day of payment; 3d, to discuss the nationality of certain of your claimants, for thereupon the understanding was perfect between us, since after examination I have admitted such nationality for all.

Besides not to violate openly the law voted and to observe as far as possible its provisions, we have agreed that the commercial house of our interpreter, who assisted so willingly in this arrangement, should redeem, less a small discount, the sums allowed, which should be thus paid in cash.

All these points being settled in a definitive manner, and this verbal agreement, noted here in all letters, not being able to give place to any divergence of views, I come to pray you, Mr. Minister, in replying to my present dispatch, to assure me that you are completely in accord with me, both upon my instructions to my commissioners, which should serve as a basis to the labors of our mixed commission, and upon the adoption of the money to be paid (*libératoire*) as well as upon the mode of payment whereof I have spoken to you above.

In the hope of a prompt reply, I reiterate to you, &c.,

B. ST. VICTOR.

[Inclosure 9 in No. 723.]

*Mr. Langston to Mr. St. Victor.*LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, February 25, 1885.

SIR: Upon a second and careful reading of your dispatch of the 24th instant, I discover that I made a very great mistake in so reading it as to make it refer to a supposed dispatch which you had written to me.

I make haste, therefore, to correct such mistake as it appears in my dispatch addressed to you yesterday, and transmit, as herewith inclosed, my dispatch of February 14, which you did return to me by Mr. Charles Weymann, to be replaced by my dispatch dated February 21, 1885, according to my understanding.

Of course, Mr. Minister, the other part of my dispatch, addressed you yesterday, which respects my readiness to proceed, upon our understanding as settled on the 25th of January last, and as understood and guarded for us by our good mutual friend Weymann, to the examination and settlement of the claims in debate, before the commissioners agreed between us, will stand as written.

And you will permit me to say to you, in all candor and sobriety, and, as I trust, with becoming respect, I regard your agreement of the 25th of last January, as regards the mode of examining and determining the claims referred to, including the manner, time, and kind of money, as agreed and fixed between us and adopted in their payment, as binding upon us in all honor; and that it is our duty to proceed, accordingly, at once.

I stand ready and willing so to do.

With sentiments, &c.,

JOHN MERCER LANGSTON.

[Inclosure 10 in No. 723.]

*Mr. Langston to Mr. St. Victor.*LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, February 27, 1885.

SIR: Your dispatch of the 25th instant was received by me at 11 o'clock yesterday morning. I beg to advise you at once that it is necessary, owing to the proposed absence of Mr. Cutts, to replace him by Dr. J. B. Terres upon the commission we would constitute. I have no doubt of your agreement to the substitution of Dr. Terres, made necessary as indicated.

When shall the commission convene? I hope as early as next Monday, at such hour as may suit their convenience, say at 3 o'clock in the afternoon, and at this legation.

I await your pleasure.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 11 in No. 723.—Translation.]

*Mr. St. Victor to Mr. Langston.*DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, February 28, 1885.

MR. MINISTER: I have had the honor to receive your dispatch of the 27th instant.

After the precise explanations which the letter that I addressed to you on the 25th instant contains on the subject of our agreement and the instructions which should serve as a basis for the labors of the mixed commission charged to examine the American reclamations, particularly after your dispatch of February 21, informing me on this agreement and its due consequences, I hoped that the present dispatch, of which I now acknowledge the receipt, would confirm in a complete manner the points which are contained in my official communication of the 25th.

However, your last dispatch touches on the subject of the mixed commission, but without saying one word in confirmation of what I had urgently demanded.

I therefore again request you to have the kindness to let me know if you accept entirely my instructions to the commissioners, the money proposed, and the manner of payment.

I consent to the choice which you have made of Dr. J. B. Terres to replace Mr. Cutts.

In regard to the meetings of the commission, I have already had the honor, in answering a like question from you, to say that it is the commission which shall fix them.

Awaiting an immediate reponse, which I beg you to send me, please accept &c.,
B. ST. VICTOR.

[Inclosure 12 in No. 723.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, March 2, 1885.

SIR: In acknowledging the receipt of your dispatch received late last Saturday afternoon, and dated February 28, 1885, I have the honor, upon careful reading and consideration thereof, to ask your definite and concise explanation of the meaning and scope of the following clause of your dispatch of the 25th ultimo:

"Besides, not to violate openly the law voted, and to observe as far as possible its provisions, we have agreed that the commercial house of our interpreter, who assisted so willingly in this arrangement, *should redeem, less a small discount, the sums allowed, which should be thus paid in cash.*"

You will please mark the words which I underscore. Their meaning, as you employ them here, I wish to know.

Awaiting your reply, I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 13 in No. 723.—Translation.]

Mr. St. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, March 6, 1885.

MR. MINISTER: I have the honor to inform you that I have lately seen Mr. Weymann, whom I have asked to explain to you the meaning of the paragraph of my dispatch of the 25th of February, presented in your letter of the 2d March.

Mr. Weymann has declared to me that he has given effect to my prayer, and that to-day everything is understood between us on the subject of the basis to be adopted for the settlement of the American reclamations connected with events of September, 1883.

I pray you, therefore, Mr. Minister, to be good enough to confirm to me this understanding upon all the points of the question, and upon the instructions to be given to the mixed commission, as I have reiterated to you, the request to do so in my dispatch of the 28th February last.

You will accept, &c.,

B. ST. VICTOR.

[Inclosure 14 in No. 723.]

Mr. Weymann to Mr. Langston.

PORT-AU-PRINCE, *March 7, 1885.*

DEAR MR. MINISTER: As already stated to you verbally, the agreement referred to by the honorable secretary of foreign affairs, in his yesterday's dispatch addressed to you, is the following:

"As soon as the mixed commission will have agreed upon the amounts to be allowed for the American claims, for losses sustained in September 1883, such amounts will be paid by his care, to you, in cash, less a discount of 10 per cent."

Yours, respectfully,

CH. WEYMANN.

[Inclosure 15 in No. 723.]

*Mr. Langston to Mr. St. Victor.*LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, March 7, 1885.

SIR: In acknowledging the receipt of your dispatch of yesterday, I have the honor to state that Mr. Weymann has given me full explanation of the clause of your dispatch of the 25th ultimo, referred to in mine of the 2d instant; and now I am content, upon such explanation, to accept and approve your instruction to the Haytian commissioners, a copy of which you have heretofore sent me, and I accept the terms and conditions presented by you in your dispatch of the 25th ultimo, as constituting the bases upon which to adjust and settle the claims of American citizens referred to therein.

If convenient, may the commission commence its labors on Monday next.

I am, &c.,

JOHN MERCER LANGSTON.

No. 357.

Mr. Langston to Mr. Bayard.

No. 726.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, March 21, 1885. (Received April 15.)

SIR: Referring to my dispatch No. 712, dated February 4, 1885, I have the honor to advise the Department that on the 13th instant Mr. Eugene V. Garrido was paid by me \$2,000, the sum collected from the Haytian Government for personal injury done him on the 22d and 23d days of September, 1883.

His receipt for the sum named is on file in this legation.

His satisfaction and thanks, in view of the action and success had in his case, are thorough and cordial.

I am, &c.,

JOHN MERCER LANGSTON.

No. 358.

Mr. Bayard to Mr. Langston.

No. 343.] DEPARTMENT OF STATE,
Washington, March 28, 1885.

SIR: I have to acknowledge the receipt of your No. 720, of the 4th instant, in which you inclose a copy of the decree of the supreme court of Hayti, affirming the decision of the "civil tribunal" in the matter of the application of Mr. C. A. Van Bokkelen to terminate his imprisonment on a fair and full assignment of all his property for the benefit of his creditors.

It appears that on a judgment being entered in the courts of Hayti against a party who is insolvent he is ordered by the court to imprisonment for a period fixed at the court's discretion.

The severity of this process, however, is mitigated by the provision that by an assignment the insolvent, if there be no proof of fraud, is entitled to release.

In other words, what exists in Hayti is imprisonment for debt, such imprisonment to terminate on a fair and full assignment of all the insolvent's property for the benefit of creditors. Hence, the right to enforce a debt by such imprisonment, and the right to have the imprisonment terminate by making a fair and full assignment, are rights reserved by law, the first to every creditor, the second to every debtor.

The right to ward off imprisonment in this way is as much an everyday right of residents of Hayti as is the right to sue and enforce the suit by imprisonment. The right to terminate such an imprisonment by assignment is as much a part of the decree of imprisonment as is the imprisonment itself.

In order to avail himself of this right, Mr. Van Bokkelen applied for leave to make the "*cession de biens*," presenting what may be called in our law a petition in bankruptcy.

This appeal was made by him to the "*civil tribunal*," by whom it was rejected, not on the plea of fraud, which could be readily understood by this Government, and which could be sustained on the principles of international law, but on a plea not sustainable in international law; that while liability to imprisonment for debt attaches to foreigners as well as to Haytians, to Haytians alone, and not to foreigners, belongs that privilege of release on assignment of assets, which the Haytian code makes an incident of the imprisonment.

This decision was made on May 27, 1884, and from it Mr. Van Bokkelen entered an appeal to the court of cassation, the supreme court of Hayti.

By this court a decree of affirmation was entered on the 26th ultimo. It is with no disrespect to the eminent judges by whom this opinion was given that I proceed to observe that not only is it irreconcilable with accepted principles of international law, but that it cannot be regarded as in any way defining the duties of Hayti as a sovereign state.

The duties of the Haytian Government to the United States are not determined by Haytian legislation nor by Haytian judicial decisions, but by the law of nations. The opinion of the court of appeals of Hayti in no respect settles the international liabilities of Hayti.

These liabilities, so far as concerns the United States, are determined by the principles of international law, as limited by the treaty stipulations, which form the supreme law of the land, both in Hayti and in the United States.

The treaty of 1865, appealed to by the court, is first to be considered. The pertinent articles of that treaty are as follows:

ART. VI. The citizens of each of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of the territories of the other, engage in business, hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of traveling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party respectively, as well in respect to the consignment and sale of their goods as with respect to the loading, unloading, and sending off their vessels. They may also employ such agents or brokers as they may deem proper, it being distinctly understood that they are subject also to the same laws.

The citizens of the contracting parties shall have free access to the tribunals of justice, in all cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens, furnishing security in the cases required, for which purpose they may employ in the defense of their interests and rights such advocates, solicitors, attorneys, and other agents as they may think proper, agreeably to the laws and usages of the country.

ART. IX. The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise, and their personal representatives, being citizens

of the other contracting party, shall succeed to their personal property, whether by testament or *ab intestato*.

They may take possession thereof, either by themselves or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, while the lawful owner may take measures for securing it.

If a question as to the rightful ownership of the property should arise among claimants, the same shall be determined by the judicial tribunals of the country in which it is situated.

This Government contends that, for the reasons already given, Mr. Van Bokkelen is entitled not merely to have the same rights before the Haytian tribunals of justice and in Haytian process which he would have if he were a Haytian citizen, but that the term "otherwise" in the ninth article enables him to dispose of his goods by means of a general assignment for the benefit of his creditors as freely as he could by "sale, donation," or "testament."

It is further contended that as, by the law of Hayti, the right to the release of an imprisoned debtor after an assignment for the benefit of creditors is incident to imprisonment for debt when a Haytian is the defendant; so, under the treaty, it is an incident of imprisonment for debt when a citizen of the United States is the defendant.

It is true that the treaty, in respect to citizens of the United States appealing to Haytian courts, contains the clause, "furnishing security in the cases required." This provision is familiar not only in international but in municipal law, and as to it I have to say (1), that it is, in both systems, understood to mean security for costs; and (2), that in Mr. Van Bokkelen's case there is no pretense that he was obliged to "furnish security" in any case in which the term can be properly used.

If, however, the opinion of the court of cassation may be understood to exhibit the position of the Haytian Government, it may be that the action of that Government in sustaining Mr. Van Bokkelen's detention is founded on a misapprehension which can be readily removed. The opinion says that "there can be concluded from the terms of articles 6 and 9 of the treaty nothing which would authorize the opinion that this right could be invoked in the United States by a Haytian."

There is no jurisdiction in the United States in which the right of a Haytian to make an assignment of his entire estate for the benefit of his creditors does not rest on the same basis as that of a citizen of the United States; and there is no jurisdiction in the United States in which the right to discharge consequent upon such assignment would not belong to the Haytian on the same footing as to the citizens of the United States.

If comity is the ground on which the Haytian Government rests, then, on the ground of comity, Mr. Van Bokkelen should be at once released, with such indemnity as is due to him from his imprisonment under this mistake of fact.

The grievance to Mr. Van Bokkelen is serious. He has been confined, though in failing health, for quite a year, in a prison, and by this proceeding not only are his means of supporting himself and paying his creditors for the time destroyed, but his business, should he survive, has received a serious if not a fatal shock. But the injury to the commercial interests both of Hayti and of the United States is vastly more far reaching. No citizen of the United States will be hereafter willing to do business in Hayti, if, for indebtedness to which no taint of criminality is imputed, he is to be subjected to imprisonment so long and so oppressive as to involve the destruction of his means of livelihood as

well as injury to his health and misery to his family. It is not to the interest of either Hayti or the United States that such a condition of things should exist.

I forbear in this place to show in detail that by all civilized nations imprisonment for debt is now abolished. I forbear, also, to show what could be readily shown, that the *cessio bonorum*, with its incident of release from imprisonment, is now, by a principle accepted in modern international law, incident, as a matter of course, to all processes in which any insolvent debtor is under arrest in a case not involving a criminal offense. I forbear, also, to press the fact already noticed, that on principles of comity, as appealed to by the Haytian Government in this very case, there is no ground for Mr. Van Bokkelen's further detention, since in every jurisdiction in the United States the right to make an assignment for creditors, and the privilege of obtaining relief accruing thereby, belong to the foreigner as well as to the citizen.

The release of Mr. Van Bokkelen is now asked on independent grounds. It is maintained, first, that continuous imprisonment for debt, when there is no criminal offense imputed, is contrary to what are now generally recognized principles of international law. It is maintained, secondly, that the imprisonment of Mr. Van Bokkelen is a contravention of articles 6 and 9 of the treaty of 1865 between the United States and the Republic of Hayti.

The Haytian Government have a clear and ample opportunity to relieve this case from all difficulty by recognizing the error of their courts in supposing that the privilege of release of an imprisoned debtor would be denied to a Haytian citizen by the United States courts, upon making assignment of his property for the benefit of his creditors.

You are now instructed to earnestly press the views of this Government, as outlined in this instruction, on the early attention of the Government of Hayti, by leaving a copy thereof with the minister of foreign affairs.

The response of the Government of Hayti should be promptly communicated to this Department.

I am, &c.,

T. F. BAYARD.

No. 359.

Mr. Bayard to Mr. Langston.

No. 349.]

DEPARTMENT OF STATE,
Washington, April 23, 1885.

SIR: I have to acknowledge the receipt of your Nos. 661 of August 21, 1884, 685 of November 8, 1884, and 723 of the 17th ultimo, all relating to the claims of American citizens in connection with the event of September 22 and 23, 1883, at Port-au-Prince.

Your No. 723 announces the agreement for the settlement of these claims, which provides for their submission to a mixed commission composed of four persons, two Americans and two Haytians, and their payment upon a discount of 10 per cent. of such sums.

Your action in the matter is approved, subject to the reserve to be found in the instruction No. 265 of March 7, 1884, as to diplomatic claims for other injuries.

I am, &c.,

T. F. BAYARD.

No. 360.

Mr. Bayard to Mr. Langston.

No. 350.]

DEPARTMENT OF STATE,
Washington, April 28, 1885.

SIR: I transmit, in connection with the Department's previous instruction No. 324 of January 20 last, a copy of a letter addressed to the President by Mr. C. M. Brun, at Paris, France, in regard to the case of Mr. Alexander C. d'Almena, now held in prison as a witness by the authorities at Port-au-Prince.

I have explained to Mr. Brun the nature of the Department's instruction to you relative to this case, and observed that his communication would be forwarded to you in connection therewith.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 350.—Translation.]

*Mr. Brun to the President.*No. 5 RUE ST. GEORGE'S,
Paris, March 25, 1885.

MR. PRESIDENT: As the representative in France of Mr. d'Almena, an American citizen of the State of New York, I have the honor to call your Excellency's attention to the arbitrary arrest of that estimable gentleman, and to the bad treatment which he is now suffering at Port-au-Prince, Hayti, he being in danger of losing everything—his life, his honor, and his property.

It is now more than three months (seventy days had elapsed at last accounts) since your fellow-citizen was placed in solitary confinement, wholly without cause. During this time he has been allowed no communication with any one, not even with counsel or his most intimate friend. The reason alleged is that he was implicated in the frauds that were committed in connection with the Bank of Hayti, and afterwards in the revolutionary movements that took place at Port-au-Prince in September, 1883.

Having been deprived of all means of subsistence, and of all things that are an absolute necessity in hot climates, he owes the preservation of his life to indomitable will-power and his good constitution only. I do not hesitate to assert that so long a period of such solitary confinement is without precedent in Hayti; the greatest criminals have never been subjected to it, much less foreigners. During all this time, more than one hundred and fifty witnesses have been heard, and it has not been possible to make good the slightest charge against him.

It is not to be denied that the Bank of Hayti was robbed, and that those robberies were a matter in which the Government, as well as the bank, was interested; but Mr. d'Almena, who was the attorney for the Paris board of directors, and a mere inspector, had no part therein whatever. The parties who really committed the robberies, and who were doubtless the bank officers themselves, the directors of that board, concealed themselves from him, owing to his perfect honesty.

For the very reason that they were conscious of their guilt, they saved themselves by flight, whereas he came to France at the request of the Paris board, and returned to Hayti of his own accord in the month of October last, in order to attend to his private business. He, therefore, evidently believed that he had nothing to fear from Haytian justice.

It seems to have been designed to make him the scape-goat for all the errors of others, and for reasons of which I am ignorant he has been tormented with a view to shielding the real offenders.

It is not possible, Mr. President, for such a state of things to continue, and your protection must be accorded to an American citizen who has been thus outraged.

I therefore take the liberty to call your attention to these facts, which are in violation of international law, as it is my duty to do, and, as has doubtless already been done by the American consul at Port-au-Prince, and I trust that your Excellency will espouse the cause of the oppressed by issuing the necessary orders for his release, and afterwards for his proper indemnification for all outrages to which he has been subjected.

I have, &c.,

BRUN.

(C. M. Brun, formerly a notary at Paris.)

No. 361.

Mr. Langston to Mr. Bayard.

No. 734.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, April 29, 1885. (Received May 15.)

SIR: I have the honor to advise you that I have just received (4 o'clock p. m.) a dispatch of this day's date from this Government sustaining in elaborate argument the decision of the court of cassation in the case of Mr. C. A. Van Bokkelen and declining to release him.

This dispatch comes to me too late for suitable preparation for transmission to the Department by the steamer leaving this port for New York via Kingston to-morrow morning at 10 o'clock, and hence I am compelled to announce simply the present attitude of the Government in answer to your own presentation of the case in your dispatch No. 343, a copy of which, per your instructions, was duly furnished the honorable acting secretary of state of foreign relations, Mr. Prophète.

Mr. Van Bokkelen has been returned to the common jail, where he is now confined, although his health is still poor—not at all improved, really—and his strength is feeble and apparently constantly declining.

By the very first opportunity I will transmit copies of the correspondence which has passed between this legation and the Haytian Government as to this case since I received your last instructions with regard thereto.

It may be proper for me to state here that, in closing his dispatch, Mr. Prophète holds, as translated:

I regret then not to be able to order the immediate release of Mr. Van Bokkelen, incarcerated in consequence of a regular judgment ordering constraint of body, and confirmed by the supreme tribunal of Hayti, because, on the one part, he is a foreigner, and the treaty of 1865, as I have shown, properly interpreted by the Haytian courts, does not mention "la cession de biens judiciaire," which is an institution of the civil law, the benefit of which pertains only to a Haytian; on the other part, because, in acting as you desire, not only would the executive power transcend its powers, but would voluntarily expose itself to legitimate demands of the American firm of Toplitz & Co., which prosecutes Mr. Van Bokkelen.

Awaiting your further instructions in the premises,

I am, &c.,

JOHN MERCER LANGSTON.

No. 362.

Mr. Bayard to Mr. Langston.

No. 352.]

DEPARTMENT OF STATE,
Washington, May 6, 1885.

SIR: I transmit, for your information, the inclosed copy of a letter of the 29th ultimo from Mr. W. K. Van Bokkelen in regard to his son who is still in confinement at Port-au-Prince.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 352.]

Mr. W. K. Van Bokkelen to Mr. Bayard.

[Extract.]

155 BROADWAY,
New York, April 29, 1885.

Mr. SECRETARY: I have the honor to inclose letter from my son. In writing me, under date 15th instant, he states that no change has been made. The jail is his resting place. On that date Hon. J. Mercer Langston had called and told him that at once a new demand would be made in his behalf in accordance with your instructions of March 28.

I pray the deluded negroes may be brought to a true sense of what is due American citizens, * * * *

I cannot too kindly thank you for the deep interest shown, and pray that soon it may be in your power to inform me that my son is free, and Hayti made to compensate him for his sufferings, and be more careful of her acts.

I am, &c.,

W. K. VAN BOKKELEN.

[Inclosure in inclosure in No. 352.]

*Mr. C. A. Van Bokkelen to Mr. Bayard.*IN PRISON, PORT-AU-PRINCE,
Hayti, April 9, 1885.

Mr. SECRETARY: On the 28th June, 1884, at the request of the United States minister resident, and in accordance with instructions from Washington, I was transferred from this loathsome jail to the military hospital, where I was allowed to remain until the 21st March, when I was ordered by the director, in obedience to instructions received from the attorney of the Government, on a certificate of the doctor that I was a well man, to be conducted to the prison, with felons and thieves.

I protested in writing to the inspector-general, and furnished proof of the fact that my condition was worse than when I entered the hospital, and that during my stay there no doctor (public) had prescribed for me, nor had I been supplied either with food or medicine, but was compelled at times to buy water for use.

The inspector immediately ordered my installment at the hospital; the doctor informed the Government commissary of the fact, who, in turn, informed the minister of justice, who approved the act of humanity.

On Holy Thursday the inspector-general, accompanied by the director, called and gave me the assurance that, knowing my condition, I should not be disturbed.

Judge of my surprise when, on the 4th April, at 12 m., I was made to walk in the hot sun, with three plasters on me, to the jail, where I was confined without a word of explanation, and where I now am.

I am, &c.,

C. A. VAN BOKKELEN.

No. 363.

Mr. Langston to Mr. Bayard.

No. 736.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, May 9, 1885. (Received May 21.)

SIR: Referring to your dispatch No. 343, March 28, 1885, having reference to the case of Mr. C. A. Van Bokkelen, confined in the jail of this city for debt, denied the benefit of the insolvent act, because he is a foreigner, I have the honor to bring to your attention the correspondence which has passed between this legation and the Government of Hayti, latterly, on such subject.

33 FOR

This correspondence is composed of three dispatches, of April 17 and 28 and May 5, 1885, respectively, from me to the honorable secretary of state of foreign relations, *ad interim*, Mr. Prophète, in the first and third of which Mr. Van Bokkelen's release is demanded upon the clear and unanswerable argument which you present in your dispatch above referred to, a copy of which constituted the inclosure of my dispatch of April 17, and of the reply made by the Government of Hayti by Mr. Prophète, dated April 29, 1885, in which its refusal to release Mr. Van Bokkelen, with its reasons therefor, is presented with great fullness.

Copies of such several dispatches and the translation of that of Mr. Prophète are herewith transmitted, and to them the attention of the Department is very respectfully invited.

Although this legation has pressed this case, so clear and reasonable in all its features of justice and law, upon the attention and consideration of this Government, finally, in view of the presentation, lucid and apparently irresistible, as regards the right of an American citizen to make an assignment of his personal effects, under the treaty subsisting between the United States and Hayti, in this country, of your instruction No. 343, Mr. Van Bokkelen is still confined in the common jail, denied his liberty.

After reading the argument of Mr. Prophète in explanation and support of the decision of the court of cassation in reply to your dispatch, in this matter, I deemed it only proper for me to renew my demand for Mr. Van Bokkelen's release, upon a due reconsideration of the case as presented; hence my dispatch of the 5th instant to such effect.

Awaiting your further instructions in the matter,

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 736.]

Mr. Langston to Mr. Prophète.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, April 17, 1885.

SIR: I have the honor, upon the further instruction of my Government, to bring to the attention and consideration of your Government the case of Mr. C. A. Van Bokkelen, a citizen of the United States, who, though in feeble and failing health, has been too long and still is detained in your prison, denied by your courts the right to make an assignment of his property for the benefit of his creditors, and thus secure his release.

The views of the Government of the United States on this subject are fully and plainly set forth in the dispatch of the honorable Secretary of State, Mr. T. F. Bayard, a copy of which, in obedience to his instructions, as you will see on reading the dispatch, I have the honor to transmit to you as herewith inclosed.

The several considerations presented by the Government of the United States in the dispatch, a copy of which is transmitted, in favor of Mr. Van Bokkelen's immediate release, are so thoroughly in accord with the provisions of the treaty referred to, existing between the United States and Hayti, the principles of international law universally accepted, as well as every doctrine of comity, that I am fully persuaded that your Government, animated, as always, by an intelligent, profound sense of justice, as well as a desire, earnest and lively, to maintain the good understanding which so happily exists at this time between the Government of the United States and the Republic of Hayti, will, at once, order the release of Mr. Van Bokkelen. In such belief and hope, I await, Mr. Minister, your early response in this matter.

Renewing, &c.,

JOHN MERCER LANGSTON.

[Inclosure 2 in No. 736.]

*Mr. Langston to Mr. Prophète.*LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, April 28, 1885.

SIR: I beg to remind you, most respectfully, that on the 17th instant I had the honor to write you with regard to the detention and release of Mr. Van Bokkelen. In my dispatch I transmitted a copy of the communication of the honorable Secretary of State of the United States Government, Mr. Bayard, touching the subject referred to. I asked, also, your immediate attention to the subject, and your reply with regard thereto, expressing the hope that your Government would release Mr. Van Bokkelen without delay.

As yet I do not receive, after fully eleven days, even the acknowledgment of the receipt of my dispatch.

May I ask you, Mr. Minister, to let me hear from you without further delay?

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 3 in No. 736.—Translation.]

*Mr. Prophète to Mr. Langston.*DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, April 29, 1885.

MR. MINISTER: I have had the honor to receive your letter of the 17th instant, containing a copy of the dispatch of Hon. T. F. Bayard, Secretary of State of the United States, addressed to you upon the subject of the detention of Mr. Van Bokkelen and the judgment of the court of cassation of the Republic of the 26th ultimo.

I transmitted to the secretary of state of justice this communication, which concerns his department, and my colleague has been good enough to enable me to respond.

The department of state in examining the judgment delivered on the 26th ultimo by the court of cassation, appears to have omitted the real reason of this decision and confined itself simply to a secondary consequence, besides without remarkable importance, drawn by supererogation from the principal fact for which the appeal of Van Bokkelen had been rejected.

You will permit me to replace the matter upon its true ground, and to do it I will follow the very text of the judgment.

It is not as the honorable Secretary of State of the United States, Mr. T. F. Bayard, thinks, the impossibility resulting, for a Haytian, from articles 6 and 9 of the treaty of 1865, between the United States and Hayti, to invoke in the United States, the right of judicial assignment, which has determined the confirmation by the supreme court of the judgment rendered by the civil tribunal the 27th May, 1884.

A simple glance of the eye upon the judgment of the 26th ultimo, will convince you that the decision of the court of cassation is founded especially upon this incontestable fact that the benefit of the insolvent act being an institution of the civil law, foreigners are excluded therefrom. This opinion of the first court of the Republic entirely conforms to the actual legislation of Hayti, is far from constituting an attempt of innovation in the matter; it is supported by the recognized authority of the most eminent jurisconsults. (Duranton, t. 12. No. 270; Foulhier, t. 7, No. 263; Pardessus, Commercial Law, No. 1328; Delvan, Court, t. 3, p. 634, note 11, p. 187. Carré and Chauveau, No. 3057; Berriat St. Prix, p. 685, note 1st; Favard de Langlade, t. 1st, p. 446.)

Nevertheless, to gain for himself the benefit of the insolvent act, Mr. C. A. Van Bokkelen has invoked the treaty of 1865, and, in this regard, the court of cassation, considering with reason that this treaty in its articles 6 and 9, cited by the demandant, even in granting access to American citizens to the Haytian courts of justice, contains nothing which authorizes the opinion that the right of judicial cession exists for the Haytian citizen in the United States of America and in Hayti for the American citizen.

It is incontestable that nations, as individuals, are never presumed to intend in contracting to injure their rights and their interests, and in this special case it is the

rule that the judges ought, in spite of the expression "or otherwise," from which Mr. Van Bokkelen has deduced a forced conclusion, to prefer the interpretation which accords with the common law and the public law to that which would contradict the principles. Besides, an express stipulation of the treaty would alone be able to abrogate the formal text of the law. Whence it follows that the Haytian courts, in interpreting in the sense of the common law in Hayti the treaty of 1865, have remained within the limits of their authority. If it is true that treaties are acts of Government with Government their interpretation not the less appertains to the courts, always as contests which give place to such interpretation have for their object private interests. (C. Cass. ch. C, 24 June, 1839. Dalloz, jurisp. Gle. V, treaty int., No. 156. C. Cass. ch. req., January 6, 1873; ch. er. 27 January, 1879, *id.* 1878, &c.)

In the affair of Van Bokkelen, as regards the treaty in question, the responsibility of the executive power as representative of a sovereign state, finds itself, so to speak, divided by the necessary division of this sovereignty, and, consequently, of this responsibility with the other powers in that which concerns the treaties of this nature, it being granted that treaties and conventions ought to be understood in a sense which accords with the public order established among the people contracting, and particularly with their maxims of public law and their system of jurisprudence (C. Cass. ch. req., 17 March, 1830; Dalloz, t. int., No. 149). Then the interpretation given by the supreme court of Hayti is entirely harmonious with public order in Hayti and Haytian public law, according to which the high contracting powers have not and could not have intended to produce injury. Moreover, as I have shown, the contest which has necessitated this interpretation has for object private interests.

I will not insist further upon the irrefutable plausibility of motive upon which rests the decision of the court of cassation of Hayti. I shall be permitted to add that the Government of the Republic does not depart for an instant and shall never depart, in its excellent relations with the United States, from that sentiment of justice which it makes the rule of its conduct, and of that courtesy so necessary between friendly nations; although it is its duty to watch with attention and scrupulous care that no injury may be brought to the principles consecrated in the constitution of the Haytian people.

I have, then, to regret not to be able to order the setting at immediate liberty of Mr. Van Bokkelen, incarcerated in consequence of a regular judgment providing constraint of the body, and confirmed by the supreme court of Hayti, because, on the one part he is a foreigner, and the treaty of 1865, as I have shown, duly interpreted by the Haytian tribunals, does not mention the judicial assignment of goods, which is an institution of civil law, the benefit of which is only profitable to the Haytian; on the other part, because, in acting as you desire, not only would the executive power transcend its powers, but it would voluntarily expose itself to legitimate demands of the American firm of Toplitz & Co., who prosecute Mr. Van Bokkelen.

Accept, &c.

B. PROPHÈTE.

[Inclosure 3 in No. 736.]

Mr. Langston to Mr. Prophète.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, May 5, 1885.

SIR: In acknowledging the receipt of your dispatch of the 29th ultimo, in which you state that your Government refuses to give Mr. Van Bokkelen his liberty, as demanded by the Government of the United States, I have the honor, while protesting against such action, whereof I have advised my Government, to inform you that for the reasons already presented, which are in no wise met, as I conceive, by you, I must insist upon the immediate release of our citizen.

Trusting that upon due, careful reconsideration of the facts and the law of this case, having considerate regard to the kindly spirit which has hitherto inspired and animated the conduct of this legation and the Government of the United States of America toward the Government and people of Hayti, that your Government will find it wise to comply at once with the demand which I now make again, and upon which I do and shall insist.

Offering, &c.,

JOHN MERCER LANGSTON.

No. 364.

Mr. Bayard to Mr. Thompson.

No. 3.]

DEPARTMENT OF STATE,
Washington, May 21, 1885.

SIR: In the examination of the correspondence on file in this Department in relation to the Haytian mission which you have made prior to setting out for your post, you have had an opportunity to acquaint yourself with the facts in the case of Mr. C. A. Van Bokkelen, a citizen of the United States now in prison for debt in Hayti under certain civil judgments rendered by the courts of that country. All the papers in the case will also be found of record in the legation at Port-au-Prince.

It is unnecessary, therefore, to recite the facts of Mr. Van Bokkelen's case, or to refer to its merits, further than to say that, in the opinion of this Government, it presents a clear infraction of the rights of an American citizen under existing treaties between the two countries, by depriving him of his liberty and forbidding him certain legal resorts which a Haytian can employ in Hayti, and of which a Haytian, if the case were reversed, could not be deprived in the United States.

The question being of Mr. Van Bokkelen's competency to make an assignment for the benefit of his creditors in order to take legal proceedings in bankruptcy, it is found that by one law of Hayti the security offered must be in real estate, and that by another law he, being an alien, cannot hold real estate. Hence he is compelled to possess what he cannot be permitted to possess, and in this dead-lock of conflicting laws he is subjected to treatment to which no Haytian could be subjected, and, in fine, a discrimination is enforced against him solely because he is a citizen of the United States.

It is no defense to this statement to say that, under the laws of Hayti, he cannot be otherwise treated. That such a conflict between different laws can and does exist, is of itself a violation of those stipulations of existing treaties which guarantee to an American citizen in Hayti (as to a Haytian in the United States) the same rights and resorts in proceedings at law as to native citizens of the respective countries. To close to an alien litigant some given channel of recourse open to a native without leaving open some equivalent recourse, is a denial of justice, and to base a persistent refusal to afford a remedy upon the letter of defective or conflicting laws is at once an admission of failure of justice, to the injury of the alien, and an attempt to justify by the mere fact of such evident failure a discriminatory course toward an alien prohibited by treaty and repugnant to public law.

This Government is, from every point of view, in a position to insist on the substantial, if not identical, equivalence of treatment of Americans and Haytians before the Haytian courts.

This case will demand your careful attention and action from the moment of your arrival at your post, and you will lose no opportunity to endeavor to impress the Haytian administration with the necessity of getting this matter out of the way of the desirable good relations of the two countries.

You will not, without further instructions, present the matter in writing by way of remonstrance or appeal.

This Government has twice of late made solemn and, as it believes, just representations invoking the sense of justice, of equity, and of

treaty faith of the Haytian Government, and has been met by positive denial. In that direction it is not easy to see what more can be said.

You will, however, in conversation with the minister for foreign affairs, take the ground that the Government of the United States regards the refusal to Mr. Van Bokkelen by the Haytian authorities of the right to make an assignment as a discrimination against citizens of the United States, which is in conflict with treaty.

That it will greatly conduce to the maintenance of friendly relations with the United States for the Haytian Government to see to it that Mr. Van Bokkelen is granted in substance all the privileges that would be granted to citizens of Hayti.

You will say that it may become the duty of the President to lay before Congress any continued discrimination of this kind in defiance or repudiation of treaty duty.

You will, however, forbear from making the release of Mr. Van Bokkelen a condition of diplomatic intercourse, or from declaring that a refusal to release will be followed by any other action by the Government of the United States than as above specified.

You will, of course, bear in mind that this Government has no desire and can have no purpose to obtain for Mr. Van Bokkelen immunity from any just responsibility which may attach to him and which would under like circumstances attach to a Haytian citizen.

You will keep the Department advised of all that may transpire in this relation, being careful to make full and prompt report of your conversations on this subject.

I am, &c.,

T. F. BAYARD.

No. 365.

Mr. Langston to Mr. Bayard.

No. 740.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, May 22, 1885. (Received June 12.)

SIR: I have the honor to bring to your attention, as found in the reports of the proceedings of the mixed commission composed of Messrs. Lallemand and Gentil on the part of the Haytian Government, and Messrs. Weymann and Terres on the part of this legation, copies of which reports with translations are herewith transmitted, the awards of such commission with regard to the claims of American citizens for property destroyed in connection with the events transpiring on the 22d and 23d days of September, 1883, as follows:

In favor of Mr. C. W. Mossell on his claim of \$5,551.05	\$2, 500
In favor of Mr. E. V. Garrido, on his claim for \$1,791	850
In favor of Mrs. Maria Hamilton, on her claim of \$720	550
In favor of Bertram Brothers, on their claim of \$1, 800.	1, 100
In favor of Mrs. Isabella Fournier, on her claim of \$1,000 for personal property.	700
Total	5, 700

While, as regards the real property belonging to Mrs. Evan Williams and Mrs. Isabella Fournier, amounting in the first case to \$16,000, and in the other to \$1,500, the commissioners could not agree, the commissioners of the Haytian Government claiming that since foreigners cannot buy and hold real property in Hayti, according to the constitution

and laws thereof, these citizens of the United States cannot recover the several amounts claimed for their property named.

On the other hand, the commissioners, American citizens named by this legation, very properly held that the possession and ownership evidenced by such possession, and admitted and proved by the deeds upon which the property in either case is held, entitle the claimants to a reasonable award, equal to the value of the property destroyed.

This matter of difference between the commissioners brings the principle of law and usage involved in such cases up for discussion and decision as between this legation and the Haytian Government. So far as I am concerned, I think that the task, under the circumstances, will not be difficult. Both the law of this country and the usage, even precedents of recent date as connected with the loss of property in like cases by the events of September 22 and 23, 1883, furnish ample confirmation of the view taken of the subject by the American commissioners.

Unless, then, instructions to the contrary shall be received from the Department, the claims of Mrs. Williams and Mrs. Fournier shall be duly pressed for settlement.

Copy of the letter of Messrs. Weymann and Terres upon this subject is herewith transmitted.

In it they state the result of the labors of the commission.

The several amounts allowed, with the discount of 10 per cent., as agreed, are to be paid to-day in American silver, or its equivalent. And at once, as soon as collected, such amounts shall be paid the claimants, their receipts being taken, respectively, therefor.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 740.—Translation.]

Report of mixed commission.

APRIL 22, 1885—4 p. m.

The members of the mixed commission charged to examine the American claims arising out of the events occurring at Port-au-Prince, 22d and 23d September, 1883, Messrs. B. Lallemand, S. Gentil, designated by the Haytian Government, and Weymann and Terres, named by the minister resident of the United States of America, met at the office of the American legation and took cognizance of the proofs submitted in support of the claims presented by—

(1) Mr. C. W. Mossel, amounting to the sum of.....	\$5,551 50
(2) Mr. E. V. Garrido, amounting to the sum of.....	1,791 00
(3) Mrs. Maria Hamilton, amounting to the sum of.....	720 00
	8,062 50

In view of this examination and after mature deliberation, the mixed commission decided to fix as follows the indemnity to be awarded to—

(1) Mr. C. W. Mossel	2,500
(2) Mr. E. V. Garrido	850
(3) Mrs. Maria Hamilton.....	550
	3,900

The mixed commission adjourned the continuation of its labor to Friday the 24th instant at four o'clock in the afternoon. And the members have signed the present minutes in double copy.

B. LALLEMAND.
SÉGU GENTIL.
CH. WEYMAN.
J. B. TERRES, M. D.

FRIDAY, April 24, 1885—4 p. m.

In consequence of the adjournment made the 22d instant at the closing of its preceding minute, the mixed commission met at the office of the American legation and proceeded to the examination of the claims made for losses of merchandise and household goods by—

(1) Messrs. Bertram Bros.....	\$1,800
(2) Mrs. Isabella Fournier.....	1,000
	2,800

In view of this examination and after mature deliberation, the mixed commission decided to fix as follows the indemnity to be awarded to—

(1) Messrs. Bertram Bros.....	\$1,100
(2) Mrs. Isabella Fournier.....	700
	1,800

The mixed commission then took cognizance of the two claims for loss of real estate, one presented by Mrs. Evan Williams (widow) for a two-story brick building, situated in Port-au-Prince, fronts Forts street, amounting to \$16,000, and the other presented by Mrs. Isabella Fournier, for a house situated in this city at the corner of Centre and Cæsar streets, amounting to \$1,500.

The Haytian commissioners declared that they could not admit these two claims, for the following reasons:

Mrs. Isabella Fournier, being a foreigner, cannot, according to the provision of the constitution and of article 450 of the civil code, be an owner of real estate in Hayti.

Mrs. Evan Williams, *née* Rivière, widow, having lost her rights as a Haytian, from the effect of the promulgation of the constitution of 1874, she could not in 1875, at the opening of the succession of Mr. J. J. Rivière, inherit the real estate of that succession, since, in virtue of the constitution and articles 450 and 587 of the civil code, a foreigner cannot be owner of real estate, and is only admissible to succeed to personal property in Hayti.

If in 1876 Mrs. Evan Williams, widow, participated in the act of separation of the succession of real estate of Mr. J. J. Rivière, it is probable that she intended to renounce her rights as a foreigner, from which it results that Mrs. Evan Williams, widow, cannot present herself as a foreigner to formulate a claim against the Government of Hayti.

The American commissioners, declare their non-participation in this opinion of the Haytian commissioners. They hold that from the sole fact of possession by these claimants an indemnity is due them.

These opinions being contrary, and each of the commissioners persisting in his opinion, the mixed commission has not been able to come to an understanding on a decision in the case Evan Williams, widow, of the two claims for losses of real estate presented by Mrs. and Mrs. Isabella Fournier.

In presence of this divergence of opinion the commissioners have decided that they would notify the high contracting parties thereof.

Whereas there remains nothing further to act upon on the lists presented by the American legation, the mixed commission has closed its sessions.

And the members have signed the present minute made in duplicate copy.

B. LALLEMAND.

SÉGU GENTIL.

CH. WEYMANN.

J. B. TERRES, M. D.

[Inclosure 2 in No. 740].

Messrs. Weymann and Terres to Mr. Langston.

PORT-AU-PRINCE, April 30, 1885.

SIR: We beg to hand you inclosed the reports of the mixed commission, named for the purpose of estimating the amount to be paid by the Haytian Government for losses sustained by American citizens during the events of 22d and 23d September, 1883, in Port-au-Prince, and of August, 1879, in Gonaïves.

With the exception of the claim for real property of Mrs. Evan Williams and of Mrs. Isabella Fournier, our operations are completed.

For these two claims we could not agree with the Haytian commissioners, and beg to refer to you for their adjustment.

Most respectfully, &c.,

CH. WEYMANN.

J. B. TERRES, M. D.

No. 366.

Mr. Bayard to Mr. Langston.

No. 355.]

DEPARTMENT OF STATE,
Washington, May 28, 1885.

SIR: I have received your No. 736 of the 9th instant, stating that the Government of Hayti had refused to release Mr. C. A. Van Bokkelen, imprisoned at Port-au-Prince for debt.

I do not think it necessary to give you further instructions in this case; but Dr. Thompson, your successor, will carry with him full instructions in the premises. Meanwhile, you will do nothing further, and will make no more demands for Mr. Van Bokkelen's release. You will, however, take care not to permit any inference that the Government of the United States does not fully and absolutely reserve all its rights in this case.

I am, &c.,

T. F. BAYARD.

No. 367.

Mr. Langston to Mr. Bayard.

[Extract.]

No. 741.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, May 28, 1885. (Received June 12.)

SIR: I have the honor to advise the Department that yesterday, at 5 o'clock in the afternoon, Mr. C. A. Van Bokkelen, who has been confined for the past fifteen months, as a debtor under Haytian law, in the common jail of this city and the military hospital, denied the benefit of the insolvent act of the country, though a citizen of the United States of America, and, manifestly, under the treaty of 1864, existing between this Government and that of the United States, entitled to all its benefits, was conducted to this legation and delivered to me by an attorney of the Government, on its order, as stated, and thus given his release and liberty.

This proceeding, it would seem, is the result of the reconsideration of this case, according to my earnest request, as presented in my dispatch addressed to Mr. Prophète on the 5th instant, a copy of which I had the honor to transmit to you as an inclosure to my dispatch No. 736, of the 9th instant; and, more especially, of a full and complete verbal explanation of the facts and law of the case made by me to President Salomon himself, immediately after transmitting my dispatch of the 5th instant to Mr. Prophète.

No written communication was brought me by the person conducting Mr. Van Bokkelen to the legation; but to my demand as to whether he had brought me a communication from the Government explanatory of the decision which it had taken and its action, he replied that the President would explain the matter to me.

I am writing you now at an early hour of the morning—7 o'clock—in order that I may report the fact of the release of Mr. Van Bokkelen, without the least delay, by a mail which may be closed this morning at

an early uncertain hour, going to New York, via Havana, Cuba, and hence I do not await any communication which President Salomon may be pleased to make me on this subject.

* * * * *

I am, &c.,

JOHN MERCER LANGSTON.

No. 368.

Mr. Langston to Mr. Bayard.

[Extract.]

No. 742.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, May 28, 1885. (Received June 12.)

SIR: Referring to your dispatch No. 350, having reference to the case of Mr. A. C. d'Almena, I have the honor to advise you that his case is now being heard with those of others charged in like manner with him, and like him confined in the common jail in this city, in the court of cassation, the supreme court of the country, upon the insufficiency of the ordinance, or indictment, which has been presented by the judge of instruction and the chamber of council, as containing the facts found against him. The case has been in hearing for the past fifteen days. Five elaborate arguments have already been presented. Two more are to follow; and the general impression is now that the ordinance will be set aside as not containing facts sufficient to constitute a *prima facie* case against the accused, requiring that they be put upon trial. I am doing all I may to accomplish such result, and thus secure the release of our citizen. I am hopeful of success.

Both the French and British Governments have citizens—the first, one, and the other, two—involved in this case; and the representatives of such Governments are sparing no pains to do what they may to secure due and successful defense of their respective citizens.

A British war vessel has been lying in this port for the last ten days, while as I write this dispatch a French war vessel is just going to anchor in the port. Both these vessels have come with reference to the cases to which I now refer; and both will probably remain to witness the result thereof.

* * * * *

I am, &c.,

JOHN MERCER LANGSTON.

No. 369.

Mr. Langston to Mr. Bayard.

No. 744.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, June 9, 1885. (Received June 23.)

SIR: With regard to the case of Mr. C. A. Van Bokkelen, released on the 27th ultimo, as already reported by this legation, I have the honor to bring to your attention a copy, with a translation thereof, of the

dispatch of Mr. B. Prophète, acting secretary of state of foreign relations of this Government, dated the 5th instant, and having relation thereto.

The honorable secretary reminds this legation, in opening his dispatch, of the desire of his Government to maintain a good understanding with all friendly powers represented in Hayti, and dwells upon the fact that the Government of the Union certainly has no complaint to make in view of the conduct of the Haytian Government, whose goodwill and courtesy with regard to it have been complete.

I am unable to appreciate properly, as concerns this case, the expositions of the learned secretary as respects the duty of his Government to duly observe and have executed the constitutional and general laws of the country. The observance of this duty, as he asserts, is of the first importance and outweighs all considerations of courtesy.

In this case this legation has pleaded at no time considerations of courtesy. It has always and ever urged those considerations of municipal regulation, under our treaty with this Government, and international usage, well established and understood, and applied in like cases, which illustrate and enforce the legal obligation of the Haytian Government, in this case in a manner and to an extent which show it as sacred and binding as any other obligation whatever.

The secretary then announces his adhesion to the positions taken by him, as regards this case, in his dispatch of the 29th of April, while he adds that the arguments presented by him in such communication have not been refuted, and, in fact, cannot be, for they are founded in the constitution of Hayti—its laws and French jurisprudence in this conforms to Haytian legislation. He therefore deems it his duty to maintain them.

But, strange to tell, Mr. Van Bokkelen had been put at liberty some ten days before this dispatch was written, and that, too, by the intervention and action of the President of Hayti. Indeed, the Government had gone so far, as I am advised, as to provide for the payment of every claim held in judgment against Mr. Van Bokkelen, and upon which he had been imprisoned, before he was released and delivered to me at this legation. And, in fact, Mr. Antoine, the attorney of the President in all his personal and special Government transactions and the attorney of the National Bank of Hayti in its action against Mr. Van Bokkelen, and upon whose judgment also he was put and held in prison, conducted Mr. Van Bokkelen to this office and presented him to me, as directed by the President. And that Mr. Van Bokkelen would be set at liberty I had learned of the President and the honorable secretary of justice, Mr. Michel, and day by day I was expecting it, when it was done.

You may, then, very well conceive of my surprise when, on the 5th instant, I received from Mr. Prophète his dispatch, the closing paragraph of which runs as follows:

I learn that Mr. Van Bokkelen has been put at liberty. This result, happy for him, is due, without doubt, to some arrangement made with his creditors. This fact, besides, to which I will not address myself further, as it is not proper, has itself, as you will understand, been accomplished without interference of the executive power; it comes to pass without saying that it annuls in nowise the considerations which this Department has plead relative to the case of Mr. Van Bokkelen.

On the 6th instant I made acknowledgment of the receipt of Mr. Prophète's dispatch in a brief note, in which, while reserving all the rights which pertain to Mr. Van Bokkelen, I advise the Haytian Government that hereafter, under the special instructions of the Department with regard thereto, this legation will bring this case to its attention for final

and complete settlement. In my note I do not fail to indicate to Mr. Prophète the surprise I experience in view of his statements as concerns the release of Mr. Van Bokkelen.

A copy of my note is herewith transmitted.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 744.—Translation.]

Mr. Prophète to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, June 5, 1885.

MR. MINISTER: The Government of the Republic desirous to avoid all trouble in its relation with friendly powers represented in Hayti, applies itself constantly to maintain them in favorable conditions, and the Government of the Union has certainly no and complaint to make of the proceedings of the Haytian Government, whose good-will courtesy toward it have been complete; nevertheless, while exerting itself to conserve in its relations this double character, the Government of Hayti does not lose sight of the constitutional law of the state and the laws in vigor in this country, which it is its duty to have executed, and you will not fail to recognize that this obligation in which it finds itself, and whereof it ought, above all else, to acquit itself, outweighs any consideration of courtesy.

In consequence, I have only, in response to your dispatch of the 5th ultimo, relative to the release of Mr. Van Bokkelen, to confirm the communication of 29th of April addressed on this subject to your legation.

The arguments which it presented have not been answered, and are, in fact, irrefutable, for they are founded upon the constitution of Hayti—its laws and French jurisprudence in that conform to Haytian legislation. I consider it, then, as a duty to maintain them.

I understand that Mr. Van Bokkelen has been put at liberty. This result, happy for him, is due, doubtless, to some arrangement made with his creditors. This fact, besides, to which I will not address myself further, as it is not proper, has itself, as you well understand, been accomplished without interference of the executive power; it comes to pass without saying that it annuls in nowise the considerations which this Department has plead relative to the case of Van Bokkelen.

Accept, &c.,

B. PROPHÈTE.

[Inclosure 2 in No. 744.]

Mr. Langston to Mr. Prophète.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, June 6, 1885.

SIR: In acknowledging the receipt of your dispatch of yesterday, having relation to the case of Mr. C. A. Van Bokkelen, the undersigned, while reserving every right which appertains to said American citizen, begs to advise you that the late action of your Government as regards the release of Mr. Van Bokkelen and his delivery to this legation, in obedience to its order, has already been reported to the Government of the United States, and your dispatch itself shall be at once communicated to it also, when, in accordance with its more special and positive instructions with regard thereto, this legation will take occasion to bring this case, for complete and final consideration and settlement, to the attention of the Haytian Government.

Mean time, you will permit the undersigned to express to you, Mr. Minister, the profound surprise which he experiences in view of the statements contained in your dispatch respecting the release of Mr. Van Bokkelen.

With the renewed assurance, &c.,

JOHN MERCER LANGSTON.

No. 370.

Mr. Bayard to Mr. Thompson.

No. 4.]

DEPARTMENT OF STATE,
Washington, June 15, 1885.

SIR: The Department has received Mr. Langston's No. 740, giving the awards of the recent mixed commission in the following claims of American citizens, on account of property destroyed in connection with the events transpiring on the 22d and 23d September, 1883, at Port-au-Prince, viz:

Claim of Mr. C. W. Mossell.....	\$5,551 50
Claim of Mr. E. V. Garrido.....	1,791 00
Claim of Mrs. M. Hamilton.....	720 00
Claim of Bertram Brothers.....	1,800 00
Claim of Mrs. I. Fournier (in a matter of personal property).....	1,000 00

"As regards the real property belonging to Mrs. Evan Williams and Mrs. Isabella Fournier, amounting in the first case to \$16,000 and in the other to \$1,500," says Mr. Langston, "the commissioners could not agree," the two commissioners of the Haytian Government "claiming that, since foreigners cannot buy and hold real property in Hayti, according to the constitution and laws thereof, these citizens of the United States cannot recover the several amounts claimed for their property named."

Mr. Langston continues his dispatch by observing that, in his opinion, the said claimants (Mrs. Williams and Mrs. Fournier) have valid claims and precedents in their favor, and adds:

Unless, then, instructions to the contrary shall be received from the Department, the claims of Mrs. Williams and Mrs. Fournier shall be duly pressed for settlement.

It is understood that these claimants held title deeds to the real property in question, and that no legal proceedings had ever been taken dispossessing them.

That being the case, their losses were actual and consequent on the same causes which inflicted the losses of the other United States citizens, whose claims have been partially allowed. The legal aspect of the case is clearly set forth in the inclosed copy of a report on the subject of Mr. Langston's No. 740, by the law officer of the Department.

Without quoting this report bodily, you will proceed, on the principles of law which it discloses, in your representations to the Government of Hayti in the premises, and, pressing the considerations involved, will ask for indemnity to these particular claimants.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 4.]

Report of the Law Officer of the Department of State.

DEPARTMENT OF STATE, LAW BUREAU,
Washington, D. C., June 13, 1885.

The question submitted by the accompanying papers is whether the fact that foreigners are prohibited by the local law from holding real estate in Hayti precludes them from making claim on the Government of Hayti under the recent commission for damages sustained by real estate owned by them in Hayti. The question, as thus put, answers itself. If a foreigner holds real estate under such a limitation, no matter how defeasible his title may be he owns something, for the arbitrary spoliation of which by the Government he has a claim for redress. A foreigner's title to real estate under such a limitation may be likened to that of a foreigner's title to real estate under the laws of many of our States. It is true that under such laws the for-

eigner is prohibited from holding real estate, yet it is equally true that he has an inchoate interest in such real estate when purchased by him and entered on, which can only be defeated by legal procedure in the nature of an inquisition duly instituted. Nor is this position one of mere local legislation. Not only by the English common law, but by the old Roman law, as accepted in the Spanish settlements in America, a foreigner is entitled to hold real estate, where there is such a prohibition, against even the Government, until legal proceedings are taken for his eviction (*Hammekin v. Clayton*, 2 Woods, 336; *Phillips v. Moore*, 100 U. S. 208).

The rule is that an injury done to a *prima facie* title exposes the party inflicting the injury to legal process as unquestionably as if the title was perfect. Titles, no matter how imperfect, are not to be determined by violence. Even supposing that the sole title is that of possession, yet the possessor cannot be dispossessed except by process of law. And this view is strengthened in cases like the present, when the possessor, there being no adverse private interest, and the Government being the only party entitled to make complaint, is permitted by the Government to remain in possession. This validates his possession so far, at least, as to prevent his expulsion, except by legal process. In the present case, however, the damage complained of was inflicted, not by legal process, but by arbitrary and revolutionary violence, for whose consequences the Government of Hayti holds itself in other relations responsible. If so, it is responsible for damages done by it to a title, which, though inchoate and imperfect, is nevertheless an interest whose spoliation is a subject of legal redress. I therefore respectfully report that the minister of the United States at Hayti be instructed to press these considerations on the Government of Hayti, and to ask for indemnity to these particular claimants for the damages thus sustained by them.

Respectfully submitted

FRANCIS WHARTON,
Law Officer.

No. 371.

Mr. Langston to Mr. Bayard.

No. 746.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, June 16, 1885. (Received June 30.)

SIR: I have the honor to advise you that this Government, on the 29th May last, paid in drafts on New York and Europe, duly indorsed by the secretary of state of finances, the respective sums awarded to American citizens by the Americo-Haytian mixed commission, as reported in my dispatch No. 740, less 10 per cent. discount, as agreed, which sums aggregated \$5,130, and which have been apportioned and paid as follows:

Mr. C. W. Mossell.....	\$2,250
Mr. E. V. Garrido.....	765
Messrs. Bertram Brothers.....	990
Mrs. Maria Hamilton.....	495
Mrs. Isabella Fournier.....	630

I am, &c.,

JOHN MERCER LANGSTON.

No. 372.

Mr. Bayard to Mr. Thompson.

No. 6.]

DEPARTMENT OF STATE,
Washington, June 23, 1885.

SIR: Among the subjects which should have your early attention, after entering on your duties, is the need of endeavoring to procure the reform of many hindrances to trade between the United States and Hayti, and which in spirit and in fact are so opposed to the systems in

vogue in this country that vessels plying between our ports and those of Hayti encounter burdens and restrictions at the Haytian end of the voyage to which no counterpart is found in the United States.

From a letter written to the President recently by a gentleman who has long been engaged in the Haytian trade, and is presumed to be familiar with its workings and defects, I quote the following:

There are numbers of abuses in Hayti, and excessive Government charges on American vessels. The tonnage dues are \$2 per ton register, water tax, \$10 each voyage and no water furnished, the tax for permission to change port, from \$40 to \$60 on each vessel, over and above the tonnage dues. Another abuse is detaining the vessel in port after her cargo has been discharged, sometimes as long as fifteen days, to hold said vessel as security for the import duties on the cargo, which are due from the importer and not from the vessel.

A very brief consideration of each of the above statements will show how onerous a discrimination bears on a vessel at the Haytian end of her voyage.

The tonnage tax of \$2 per ton is believed to be collectible in Hayti at every voyage. In the United States the tax of 3 cents per ton per voyage is no longer collectible in any twelve month after five voyages have been made during that period. It would be well to urge the entire repeal of tonnage dues, or other equivalent taxes in Hayti, on American vessels, so that vessels from Hayti may enter free of tonnage dues in the United States after the issue of the requisite proclamation by the President, under section 14 of the act of June 26, 1884.

The charge for water supplied to shipping in the ports of the United States is a municipal one, made by the town whose water supply is drawn upon. It is proportionate to the amount. In Hayti, it would appear that a standing charge of \$10 per voyage is made, whether the water be furnished or not.

The charge for changing port is not only excessive, but it seems to be in conflict with a very general international custom which is recognized by many treaties—permitting a vessel to proceed from port to port, unloading and taking on board cargo in each (but without engaging in coasting trade) under the original entry, without additional payment of tonnage-tax, or other than the local dues of wharfage, lights, and the like in the ports subsequently visited after the original port of entry.

To hold the master of a vessel responsible for the payment of the customs duties on cargo carried by him after the goods have been landed and delivered to the consignees, under the supervision of the customs officers, is as contrary to reason as it is vexatious to commerce. It is wholly at variance with the law of carriers. With the delivery of the goods as invoiced and manifested, the carrier's responsibilities determine, and he is not justly to be held responsible for the debts of the owners of the goods to the Government, any more than he could be held liable for any other debt of the consignees growing out of the same goods. A claim to make use of the master as a security for the duties on the goods after their delivery has been put forth on several occasions in the past—in Cuba, for instance—and, in a modified form, in China, and has in each case been opposed by this Government.

These suggestions will show you the directions in which your efforts may be exerted to obtain information as to existing abuses and impediments to trade, and in which you will endeavor to effect their reform. Through the merchants, shipmasters, and other interested parties, you should seek all attainable information on these points, and make it the basis of a comprehensive report to the Department as soon as may be.

I am, &c.,

T. F. BAYARD.

No. 373.

Mr. Langston to Mr. Bayard.

[Extract.]

No. 749.]

LEGATION OF THE UNITED STATES,

Port-au-Prince, Hayti, June 24, 1885. (Received July 14.)

SIR: Referring to your instruction, No. 350, dated April 28, 1885, having relation to the confinement of Mr. A. C. d'Almena in the prison of Port-au-Prince, charged with the commission of what is termed "vol domestique," the felonious abstraction of certain mandates issued by the Government of Hayti, and other papers connected therewith from the National Bank of Hayti, as the same is fully set forth in the ordinance and act of accusation, as published in the *Moniteur* of the 21st of March and the 25th of April last, I have the honor to state that after due consideration of his case, upon the best legal advice which he and his fellow-prisoners could secure, and with my entire approbation, Mr. d'Almena, with the other accused, concluded to make an appeal to the supreme court (the court of cassation of this country), and therein test the legal sufficiency of the ordinance and act of accusation which had been presented against them by the judge of instruction and chamber of council.

* * * * *

The hearing in the case in the court of cassation, commencing on the 12th of last month, occupied its attention in extended and elaborate arguments of the several attorneys engaged, including the brief reply of the advocate of the Government, through the 27th, when the court took the case, as submitted upon the papers and the oral arguments, under consideration for decision. Ten days passed without the decision of the court being delivered, when one of the five judges was taken sick, and has been confined since to his bed and house and he is still, as I am informed, too feeble to appear in court. Hence, these accused persons, Mr. d'Almena among the rest, are kept confined awaiting the action of the court. It is hoped now that the court may be able to convene in full bench as early as next Monday, the 29th instant, when its decision may be delivered, and, as I hope, our citizen, against whom really no sufficient proof has been offered, and who cannot be legally held to answer the charge presented against him under any law existing in this country, will be discharged. Already, Mr. d'Almena has been confined for nearly seven months, awaiting the finding of any charge against him and his trial.

I have spared no effort in my power in his behalf, and his attorneys have behaved in the most efficient and valiant manner; and it is proper that I here state that the court in listening to the discussion of the law and facts of these cases, with constant attention and patience for the time indicated, demeaned itself with becoming dignity.

I attended, the sole foreign representative present, every session of the court, and I have no doubt that my presence was justly interpreted and had good effect.

* * * * *

I am, &c.,

JOHN MERCER LANGSTON.

No. 374.

Mr. Bayard to Mr. Thompson.

[Extract.]

No. 8.]

DEPARTMENT OF STATE,
Washington, June 25, 1885.

SIR: I have to acknowledge with much satisfaction the receipt of Mr. Langston's No. 741, announcing that on the 27th ultimo Mr. C. A. Van Bokkelen, confined for fifteen months as a debtor in the jail at Port-au-Prince, was released.

Mr. Langston observes that he has not formally presented the matter of indemnity to Mr. Van Bokkelen, but will give it prompt attention. It is trusted that no step of this character has been taken without instruction from this Department.

If any claim for indemnity be made here, it will receive due examination on its merits. It is to be remembered that up to a certain point the proceedings against Van Bokkelen, at the suit of Toplitz & Co., and other citizens of the United States, whose debtor he was alleged to be, were perfectly regular under Haytian and general bankruptcy law. The debt was established and the insolvency of the debtor admitted. It was only when Van Bokkelen was denied certain rights which a Haytian debtor would have under the insolvency act, that this Government claimed his treaty rights, as an American citizen, to be treated in like manner as a Haytian, and be released from imprisonment for debt on making the same or an equivalent assignment as a Haytian debtor could make. By releasing Van Bokkelen without the formality of an assignment, and as would appear unconditionally, it may be found that Hayti has annulled the only security which Haytian law afforded for the debt, and may so have inflicted injury on those citizens of the United States at whose suit the judgment was obtained.

These considerations make it needful that any claim for indemnity, from whatever source, should have the most careful scrutiny before receiving the sanction of this Government.

* * * * *

I am, &c.,

T. F. BAYARD.

No. 375.

Mr. Bayard to Mr. Thompson.

No. 9.]

DEPARTMENT OF STATE,
Washington, June 26, 1885.

SIR: Mr. Langston's No. 744, of the 9th instant, describing the attitude of the Haytian Government in regard to the release of Mr. Van Bokkelen, is received.

Taking this dispatch in connection with Mr. Langston's No. 741, on the same subject, the inference would seem to be that Mr. Van Bokkelen has been released through the interposition of his creditors; and, if so, that they have acted prudently, since those of them who are resident in the United States may have made themselves liable to heavy damages for their conduct in procuring his imprisonment in Hayti. It may be, however, that the Haytian Government has taken this peculiar way of get-

ting out of difficulties which might have become insurmountable on your arrival.

In any view, supposing Mr. Van Bokkelen to be actually released, you are instructed to merely acknowledge the fact of such release, and to say and do nothing which would in any way prejudice Mr. Van Bokkelen in a claim for redress, either from the Haytian Government or from the creditors by whom the proceedings were instituted.

I am, &c.,

T. F. BAYARD.

No. 376.

Mr. Thompson to Mr. Bayard.

[Extract.]

No. 9.]

LEGATION OF THE UNITED STATES,

Port-au-Prince, Hayti, July 8, 1885. (Received July 29.)

SIR: I have the honor to inform you that, contrary to the expectations of my honored predecessor, Mr. Langston, the court has sustained the ordinance and act of accusation; and have decided to hold Mr. Alexander C. d'Almena and others confined in the common jail of this city.

Immediately after this news was published the English consul sent a special courier with a letter to Kingston, via Jacmel, asking that a war vessel be sent to this port to protect British subjects.

This affair has taken a very serious turn, since the lawyers have openly declared that so great an injustice has been done them and their clients that they find it will be useless to continue proceedings where such a determination is shown to overrule every question of right. In the case of our citizen, his lawyer, who seems to be a cool, clear-headed man, while not giving up the case, speaks of what he has been permitted by law to do thus far. * * *

Two British war vessels have just arrived in this port, having come in response to the call of the British consul. They are the Mallard and the Lily.

Presuming since these two vessels have arrived that some steps of importance will be taken, and judging from the action the minister plenipotentiary of France has taken (indeed it is even rumored that he, too, has sent for a ship of war), the British consul will find in him an ally, both appearing to be of the same mind, I await developments.

* * * * *

I am, &c.,

JOHN E. W. THOMPSON.

No. 377.

Mr. Bayard to Mr. Thompson.

No. 11.]

DEPARTMENT OF STATE,

Washington, July 15, 1885.

SIR: I have to acknowledge the receipt of Mr. Langston's No. 749, of the 24th ultimo, by which it appears that the case of Mr. A. C. d'Almena, the American citizen charged with the felonious abstraction of certain

mandats and other papers from the National Bank of Hayti, now in prison in Port-au-Prince, was heard last month in the court of cassation, and that a favorable decision was looked for on the 29th ultimo.

Mr. Langston's efforts on behalf of Mr. d'Almena were commendable, and you will doubtless act in the same direction if occasion arises.

The copies of Mr. d'Almena's petition and of the arguments of his counsel, referred to in the dispatch, were also received, together with the newspapers which accompanied the same.

I am, &c.,

T. F. BAYARD.

No. 378.

Mr. Bayard to Mr. Thompson.

No. 13.]

DEPARTMENT OF STATE,
Washington, July 20, 1885.

SIR: I inclose, with a reference to instructions of the 25th and 26th ultimo in the case, a copy of a letter from Mr. C. A. Van Bokkelen, who was released on the 27th May last (by what means does not appear) from confinement in the jail at Port-au-Prince, where he had been restrained at the suit of Toplitz & Co. for debt, some fifteen months, in which letter he intimates that, in view of the apparent success of Toplitz & Co. in securing their debt, which he assumes to be a fact, other parties will pursue a similar course. I also inclose a copy of a letter from the father, Mr. W. K. Van Bokkelen, of New York.

I have informed both father and son of the date of the general instructions to you of June last on the subject.

As you are aware, your instructions fully cover the question of securing to Van Bokkelen the treaty rights of procedure in the courts, whether as plaintiff or defendant, on the same footing as a citizen of Hayti. If the situation created by the Toplitz suit is to be renewed at the suit of other creditors, you will use your utmost exertions to have Mr. Van Bokkelen's treaty rights duly respected. But no claim for damages for imprisonment is to be presented by you without specific instructions of the Department.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 13.]

Mr. C. A. Van Bokkelen to Mr. Bayard.

PORT-AU-PRINCE, Hayti, June 25, 1885.

MR. SECRETARY: Set at liberty on the 27th of May last, I am up to this writing unable to state from any positive knowledge or fact by whom or how.

I am only able to suppose that the Government of Hayti did it through its secret agents, for the only possible way to obtain my release was by paying the debt for which I was held, the Government of Hayti most positively refusing to acknowledge that the position taken by the previous administration, as well as the present, was correct, and that my arrest and confinement was a positive violation of treaty rights, of which refusal your Department must have long since been informed by our late minister.

Thus, after fifteen months of illegal and arbitrary detention, a citizen of the United States finds himself on the streets of Port-au-Prince, health destroyed from having been confined in a prison not fit for human beings, obliged to render it habitable at his own expense. My credit in business has been ruined, subject to arrest and imprisonment again for similar cause, a party in New York having sent instructions to their lawyer to proceed against me, although I have at this time \$50,000 due me by Haytians, part of same being in judgments.

I now ask of the Department that if it is its intention and determination, as I believe it is, to have my rights respected, that such measure will be taken at once that the Haytian Government shall give to our minister here some public acknowledgment of my release through it, and the right of Americans to make an assignment in virtue of our treaty; for if it is not done, and that speedily, the same thing may be gone over again, and at any moment my incarceration in the filthy pen be my fate.

I addressed myself to the Hon. Mr. Thompson, asking him if he had received any positive instructions in my case, as I wished to know what my position was, being subject at any time to rearrest and confinement. He informed me he had none, and awaited instructions before acting. You cannot imagine how strange this sounded to me, after having read the articles in the various papers relative to the active and strong steps being taken by the administration to protect the rights of its citizens; from which all foreigners here thought that at once an American could walk the streets proudly, saying, "My Government knows the rights of its citizens, and in every clime they shall be respected."

I am, &c.,

C. A. VAN BOKKELEN.

[Inclosure 2 in No. 13.]

Mr. W. K. Van Bokkelen to Mr. Bayard.

504 CLINTON AVENUE,
Brooklyn, July 14, 1885.

Mr. SECRETARY: Dates from Port-au-Prince of June 27 inform me that my son was still confined to his house, resulting from effects of his long and illegal confinement by the Haytian authorities.

In your communication of May 20 you informed me that all efforts would be made to protect his interest, and that the newly-accredited minister would receive special instructions in regard to this case.

My son writes me that he addressed himself to Minister Thompson on his affairs, asking what disposition he would take to have guaranteed him his liberty and due indemnity for the illegal act and violation of treaty rights.

Mr. Thompson replied that he could take no action in the matter without instructions from the Department, as he had none.

What a burlesque this is. I am informed that the minister goes with instructions. He tells my son he has none.

Of course the Department is aware that the claim of Toplitz & Co. has been paid by some one other than my son, or through any influence of his, the presumption being that their lawyer, holding high position under the Government, has, from the Government, obtained a settlement.

The Government of Hayti still positively refuse to acknowledge that my son, or any American, has the rights which you claim they are entitled to in virtue of articles 6 and 9 of treaty; and if the influence (private) which our late minister, J. Mercer Langston, had with the President had not been brought into use, my son, so far as his Government went, might have died in jail.

Messrs. Bertram Brothers, of New York, seeing that by the steps taken by Toplitz & Co. the debt was paid, have written to their attorney there to proceed against my son for a claim they have. Now, Mr. Secretary, allow me to ask, is this thing to go on and my son, although by your own showing, not liable to arrest and confinement, to be again thrown into prison? Or will his Government once and forever firmly establish his rights, and let all know that to be an American is to be a man?

I am, &c.,

W. K. VAN BOKKELEN.

Pelletier gets his claim, but has gone where claims are of no use; have it not so with Charles A. Van Bokkelen.

No. 379.

Mr. Thompson to Mr. Bayard.

[Extract.]

No. 17.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, July 30, 1885. (Received August 25.)

SIR: I have the honor to acquaint you that since my last dispatch, No. 9, of July 8, relative to the complaint of the National Bank of Hayti against certain individuals, A. C. d'Almena, an American citizen, being among the accused, the court of cassation has again been convened and passed judgment on the case.

On each occasion it is noticeable that not one word has been said regarding the citizen who made an appeal at the same time, but separately from the others; still is he retained in prison.

* * * * *

Before this second decree the British consul, with the minister plenipotentiary of France, entered a protest against the first ordinance, which pronounced that one of the English subjects should go before the civil court of Jacmel. * * * It was then ordered by the Government that the district attorney should revise the decisions of the supreme court rendered July 1.

* * * * *

On the 17th instant the second decision of the supreme court was published. Immediately after the British consul and French minister entered a protest to the Government against the decision; later it was officially reported, to hurry up the matter and satisfy those protesting, the case would be tried August 24. This again was unsatisfactory.

* * * * *

Fortunately, the case of our citizen has no parallelism to that of the others; in both of the ordinances Mr. d'Almena was completely ignored, although he, too, had made an appeal.

I have addressed a note to the honorable secretary of state, Mr. Brutus St. Victor, explaining to him the fact that Mr. d'Almena's appeal has been disregarded, contrary to Haytian legislation, and therefore I must protest, yet with reserve, at his being held any longer.

I inclose herein my letter.

I am, &c.,

JOHN E. W. THOMPSON.

[Inclosure in No. 18.]

*Mr. Thompson to Mr. St. Victor.*LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, July 28, 1885.

SIR: After having made myself familiar with the papers relative to the case of Mr. d'Almena, particularly—

(1) Of the ordinance of the chamber of council of the civil court of Port-au-Prince, of the date of March 14 of this year, which sent him to the criminal court of Port-au-Prince under the accusation of stealing mandates, ordinances, and other papers, to the detriment of the National Bank of Hayti.

(2) Of the judgment of the supreme court given on the appeal of Mr. d'Almena, against the ordinance, the judgment rendered on the 1st of July, the same day when

I officially entered upon my duties as minister resident and consul-general of the United States of America to the Haytian Republic.

(3) Of another judgment of the supreme court of the 17th instant—

I have the honor therefore of calling your attention to this, to show you that these judgments of the supreme court, not having decided upon the case that my citizen has submitted to the court in support of his appeal, which is admissible by the first clause of article 205 of the code of criminal instruction, to know if the facts which have given cause to this process and which have been raised by the ordinance are qualified crime by the law—that these judgments, under the pretext of an incompetency which cannot be justified, not having even examined the object of the appeal of Mr. d'Almena, entirely based on the first of three causes of said article 205 of the code of criminal instruction is the reason why I feel I must protest, yet with all reserve do I protest for my citizen against such a *violation* of the law with regard to him.

It is certain, Mr. Minister, if in place of the proceeding which has taken place and been decreed of the nature, the denial of justice which I write this to show you the supreme court had given itself as the law requires, to the examination of the qualification of the crime of robbery, it is very certain, Mr. Minister, that the superior court evidently would not have found in the nature of the facts exposed by the ordinance of the council chamber the criminal qualification of robbery such as is foreseen and determined in its principal elements by article 324 of the penal code; that is to say, "the fraudulent taking of a thing from another."

Now in the absence of all elements constituting the crime of robbery as proven, is it not evident that these judgments would have rejected all criminal accusation of domestic robbery (*vol domestique*) had they decided on the appeal, and would have given Mr. d'Almena his liberty? and doing this put an end to the physical and moral sufferings of all kinds which he has been undergoing during the nine months of his detention, both cruel and unjust and, as above narrated, illegal.

It is sad to notice that a violation so manifest, so void of all principles of Haytian criminal legislation, generally the protector and guardian of honor, of liberty, of the life and fortune of each and every one, could be able to permit these two judgments of the supreme courts of the Republic. Consequently, Mr. Minister, I have the honor of addressing to you this protest; yet I repeat, under all the reserve that is not detrimental to the object to which it pertains, for the safeguard of all the rights and interests of my citizen, openly ignored by these two judgments of the supreme court of the two dates, the 1st and 17th instant, which make the object of this communication.

Accept, &c.,

JOHN E. W. THOMPSON.

No. 380.

Mr. Thompson to Mr. Bayard.

No. 23.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, August 15, 1885. (Received Sept. 1.)

SIR: Referring to the instructions from the Department of June 25 and 26, Nos. 8 and 9, and also of the 20th ultimo, No. 13, I have the honor to inclose herewith a synopsis of the case of Mr. C. A. Van Bokkelen. Since the arrival of the mail on the 8th instant, Mr. Van Bokkelen came to talk with me concerning the indemnity he wishes to demand of the Haytian Government, and, on his explaining to me the circumstances, I advised him, in view of the facts as he thinks they are understood by the Department, to give me in writing the true statement as regards the merits of his case; this he does in the inclosed synopsis. I inclose, with translation, that portion of the annual message relating to Mr. Van Bokkelen. I think it worth while to explain at this time a peculiar feature of Haytian law as connected with this particular case. Where a man is arrested, as was Mr. Van Bokkelen, so long as he is held by the authorities other persons who he owes can, by "recommending" him, have him held longer on each and every "recommendation." I inclose a sample of such "recommendation," but in this

instance it is the withdrawal after the "recommendation" had been given.

Mr. Van Bokkelen leaves here to-day per steamship Haytian Republic, bound for Boston, and his intention in taking the trip is for the benefit of his health, to see his parents, and to visit the Department of State, and in person ask assistance, in order to get an indemnity.

I am, sir,

JOHN E. W. THOMPSON.

[Inclosure 1 in No. 23.]

Synopsis of case of C. A. Van Bokkelen.

Simple facts of my case, which Langston never explained to the Department, and if you will send along to Department will clearly establish the case. March 5, 1884, arrested in the street by order of J. Archin, on account of Toplitz & Co.; demanded the sheriff to take me before the judge before putting me in jail, before judge asked him if my order of arrest was signed by the commissaire of Government with his seal, as required by the *law before arresting* a foreigner; he said, "Go ahead, none of my business." I protested, as the week before in the case of Mr. Garrido, American citizen, this had been fulfilled and required; this is the first act of injustice and denial of right under law. Before the judge I demanded that a guarantee be given by Toplitz that if I was illegally put in jail I would be able to have some damage; the judge refused and ordered me in jail; was put in jail, assigned Toplitz & Co., for false imprisonment. The judge who put me in jail declared my imprisonment for Toplitz & Co. illegal and I was discharged from jail for Toplitz & Co., and never put in jail for Toplitz & Co.

Again, in March, 1885, before they discharged me for Toplitz & Co., Mr. St. Aude, a Haytian, Nadal, and Delencant under a right recommended me to be kept in jail for them under the law of 1843 without judgment. I made the assignment. All those who I owed came to the civil court, and accepted the assignment, and gave me a release. I was free; but the Government of Hayti, by the court, refused me my liberty, without examining the merits of case or law, simply on the ground of my being a citizen of the United States. I was obliged to remain in jail, notwithstanding my creditors gave me liberty. I then appealed to supreme court; they refused. My Government then demanded my release; they refused; only on the demand of Mr. Bayard did the Government pay Messrs. St. Aude, Nadal, and Delencant, and give me my liberty, thus trying to avoid the treaty issue, my being in liberty being excuse for no further action in the case. I claim that I was illegally detained from the day the court refused me my liberty, because I was a citizen of the United States, in violation of articles 6 and 9, as so declared by the Department. I was illegally put in, as proved, for Mr. Toplitz never put me in again. I ask for \$200 a day from the day the court refused my rights, because I was a citizen of the United States, my business destroyed and health ruined, and demand a public acknowledgment that I was illegally detained, the Government having refused the United States Government, by letter, my release, and then in the "annual message" saying, on the demand of Mr. Bayard, I was put out. Put in prison the 5th March, 1884; put at liberty the 23d May, 1884, as having been detained illegally in by Toplitz & Co., but refused my liberty, having been recommended by Haytians; had I not been put in illegally in the first instance, I never would have been recommended by the Haytians, they having no final judgment; made the assignment before court, all creditors accepting, but refused by the court my liberty, on account of my being a citizen of the United States, by its judgment of 27th May, 1884. From the 5th of March to 27th of May I was waiting justice; after that I was illegally detained from 27th May, 1884, to 27th May, 1885, on account of my citizenship; this is what I claim on 27th May, put out on Mr. Bayard's demand.

[Inclosure 2 in No. 23.—Translation.]

Extract from the annual message of President Salomon relative to the affair of Mr. Van Bokkelen.

Messrs. Toplitz & Co., Americans, having prosecuted Mr. C. A. Van Bokkelen, also an American, who, with a view of shielding himself from bodily constraint provided by law in matters of commercial debts, made an application to the civil tribunal to

obtain the faculty of making over his property to his creditors. To bring this matter before justice he referred to the treaty of 1865 between the United States of America and Hayti. The tribunal has rejected the petition by its decision of the 27th of May, 1884, first, because he was a foreigner, and afterwards, because the treaty in question did not contain any stipulation allowing an American to enjoy in Hayti the benefit of cession of property.

Mr. C. A. Van Bokkelen appealed in cassation against the decision, and the supreme court, after examining it, as well as the appeal in question, rejected the latter by a decree of the 26th of February, 1885, confirming by that means the decision attacked.

Several times the American legation has asked the department of foreign relations to fix a limit to the time of the detention of Mr. Van Bokkelen, incarcerated on the application of his creditors, but the Government has constantly opposed to this demand the impossibility in which it finds itself to invade the rights of the judicial power, whose sovereign and independent action is out of the reach of her censure, although the Government made known the reasons which commanded them to conform to the limits of their power. The Department of State at Washington took the matter up the 23d of March, 1885, ordering the minister of the United States to transmit to the department of foreign relations a dispatch relating to this imprisonment. The letter of Mr. Langston, also the dispatch of the honorable Secretary of State of the United States, Mr. T. F. Bayard, asked the immediate release of Mr. C. A. Van Bokkelen.

It seemed to my Government that the Department of State was mistaken on the motive of the decree of the court of cassation of the Republic; therefore the department of foreign relations in answering has re-established it and placed it in full light.

The supreme court, in effect of which the decision on this point conforms moreover to the opinion of eminent jurisconsults, considers that the judicial making-over of property, being an institution of civil right, a foreigner cannot benefit thereby, and has proved that the treaty of 1865, invoked by the plaintiff, makes no mention of it.

While giving these explanations to the minister resident of the United States, my Government has not failed to show the competency of the courts in the matter of interpretation of treaties when the disputes which give cause to the interpretation have for object private interests.

Finally, the principle of the separation of the powers, which forbids all intermeddling of the executive in judicial affairs, the formal text of the law still in force on the benefit of cession of property which excludes foreigners, the silence of the treaty invoked on this subject, such were the considerations presented to the legation of the United States, and which opposed themselves to prevent my Government granting the demand of the setting at liberty, which it was encharged to make by virtue of instructions of the Department of State.

[Inclosure 3 in No. 23.—Translation.]

REPUBLIC OF HAYTI.

In view of the state of health of Mr. Adrian Van Bokkelen I come for and in the name of the National Bank of Hayti to authorize by the present by the placing at liberty of Mr. Van Bokkelen as far as regards the "*recommendation*" which the bank had made against him on the register of the prison.

T. C. ANTOINE, *Lawyer*.

No. 381.

Mr. Thompson to Mr. Bayard.

No. 29.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, September 9, 1885. (Received Sept. 25.)

SIR: I have the honor to inform you that on the 3d instant the jury was impaneled in the case of Mr. A. C. d'Almena and others, now held in the common jail of this city, charged with the purloining of certain mandates from the National Bank of Hayti. The jury are twelve in

number, but thirteen constantly sit, the thirteenth to take the place of any one who might be detained from attending by sickness or other cause.

I am informed that the names of the jury were drawn from a list composed of eighty names of the most respectable men in Port-au-Prince, with the right allowed to the public minister, also to the defense, to refuse any name that was unsatisfactory to them. This trial causes a great deal of interest. Indeed, I am told, never has there been so much excitement over a trial in Hayti.

The French minister plenipotentiary frequently attends, while his secretary, the Vicomte de Bondy, and Captain Wyndam, Her British Majesty's representative, are constantly at the tribunal. I have also attended and found the proceedings of great interest. As soon as there is something definite arrived at, I shall prepare a full report of all proceedings and forward the same to the Department. Thus far all agree that the action of the court has been highly commendable.

I am, &c.,

JOHN E. W. THOMPSON.

No. 382.

Mr. Bayard to Mr. Thompson.

No. 24.]

DEPARTMENT OF STATE,
Washington, October 2, 1885.

SIR: I herewith inclose a copy of a letter from Mr. C. A. Van Bokkelen, of the 19th ultimo, in reference to his illegal imprisonment at Port-au-Prince and his claim for damages in consequence thereof.

In view of Mr. Van Bokkelen's present statement of facts and those already before your legation in regard to his case, I desire that you will call the attention of the Government of Hayti to his claim. There can be no doubt that Mr. Van Bokkelen was wrongfully imprisoned by the Haytian authorities and that great damage accrued to him thereby.

Under these circumstances, therefore, you are directed to ask and to press for the redress claimed by Mr. Van Bokkelen, or, if the amount to be paid cannot be immediately agreed upon, for a reference of the question to an arbitrator, so that the case may be disposed of without unnecessary delay.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 24.]

Mr. Van Bokkelen to Mr. Bayard.

504 CLINTON AVENUE, BROOKLYN, N. Y.,
September 19, 1885. (Received September 28.)

MR. SECRETARY: Upon receiving reply to my letter addressed to your Department, inquiring as to rights possessed by American citizens residing in Hayti, under articles 6 and 9 of treaty, 1864, I made an assignment of \$56,000 in favor of my creditors. This was done in 1882, at the civil court in Port-au-Prince, depositing in due form my assets of \$56,000; liabilities, \$10,500. This remained before the court a year and a half without action, no attempt being made to molest me. On March 5, 1883, I was arrested on the street by order of the judge of the civil court. The law distinctly states that no foreigner of any nationality shall be arrested without the order of

arrest and the judgment on which he is arrested having first been submitted to the attorney-general of the Government, for his revision, and then only on his approval, signature, and seal can the foreigner be put in confinement.

These important and, to me, valued formalities being entirely overlooked, and notwithstanding the attention of the judge and jailor being most positively called to this fatal omission, I was thrust into jail. This law had been made by the Government expressly to prevent the arrest of foreigners until the Government could itself act advisedly in each case as it arose, having had previously to pay for each illegal arrest.

Mr. Garrido, secretary to the United States legation, had been arrested a few days previous for debt, and great care was taken to have all the formalities complied with. Is not the law the same with the native born as the naturalized?

Thus being put in jail illegally by the judge, I addressed myself to the general term court to annul my imprisonment, not on the violation of the law by the Government, but on the illegality of the judgment on which I was imprisoned. At this trial the same judge presiding (who had refused me this right) the judgment was annulled and I was ordered to be put at liberty; this proving, had in the first instance the formalities of the law been complied with, I never would have entered the jail. Here was the first illegal and arbitrary action on the part of the Haytian officials.

Being put at liberty by the court I demanded of the jailor to be let go, when he informed me that I had been recommitted by the Haytians (Mr. St. Ande, Nadal, and Delencourt) in virtue of the laws of Hayti, 1843, giving Haytians the right to detain a foreigner in jail, without right of bail, until they, the Haytians, could present to the court their claim and have the matter adjusted and decided for or against.

Finding myself then barred from all justice, illegally imprisoned, I moved the civil court to take action on the assignment made by me one and a half year previous. A date was fixed for hearing, when my creditors presenting themselves accepted my assignment, thus virtually giving me liberty. The court took the papers, reserving its decision. At the lapse of twenty days a decision was handed down, that notwithstanding the acceptance of my creditors (that), being an American citizen, I was not entitled to my liberty, and that articles 6 and 9 of the treaty never intended it, and that I must remain in jail.

Of this decision I informed your Department and received for reply "that I must fulfill all the formalities of the law in Hayti and that I would be protected."

After awaiting all of the delays of the law, and having a written opinion of the attorney-general of Hayti, addressed to the United States minister, that I had the right under articles 6 and 9 of the treaty to make an assignment, and the formal promise of Mr. B. St. Victor, minister of foreign affairs, that the supreme court would see justice done, I appealed to that tribunal, obtained a hearing, and after fifteen days was informed that it was of opinion that I did not have the rights claimed under the treaty. This result was communicated to the Department and action taken, my release being demanded, arrest declared illegal and against the rules of the civilized nations, and in violation of the treaty rights. Four times was my release demanded by my Government, and when at last, in the most positive terms, did you again demand it, with indemnity for illegal acts, did reason prevail. On May 27 I was taken by the Government attorney from jail, where I had been illegally confined fourteen months and twenty days, to the United States legation and delivered to the United States minister, who asked by what process and how I was brought there, and received for reply that the President would explain to the United States Government. The only explanation given, notwithstanding the frequent and positive refusal of the courts and Haytian Government to release and accord me the rights of an American citizen as guaranteed by treaty, is, as far as I know, to be found in the message of President Solomen to the General Assembly, in which he says that on the demand of you, the Honorable Secretary, he had put me at liberty.

There exists on the prison books at Port-au-Prince, relative to my discharge, the notice "that, on account of ill-health, the parties by whom I had been confined consent to the discharge."

In view of the foregoing facts it is clearly and indisputably shown—

1st. I was imprisoned illegally fourteen months, twenty-two days, proved by the papers on which I was imprisoned being annulled and declared informal by the court ordering my confinement; and had the formalities of the law been complied with in the first instance I would not have been put into jail and obliged to suffer from the illegal action of the courts.

2d. Had I not been illegally confined I would not have been recommitted by the Haytians, thus being detained without right to give bail.

3d. The civil court giving judgment and refusing my liberty, notwithstanding the acceptance by my creditors, without judging on the merits of the case, simply because I was an American citizen, did wilfully deprive me of my treaty rights and liberty, illegally causing my detention in jail.

4th. The supreme court of Hayti again committed the same illegal and arbitrary action, maintaining decision of civil court, and thus refusing my rights, as proved by my release by the Government after oft-repeated demands.

5th. That I am justly due and entitled to compensation of \$200 for each and every day from the day that I was deprived of my liberty, and denied rights guaranteed by articles 6 and 9 of the treaty, simply on the ground that being an American citizen I had not the same rights as a Haytian as regards an assignment, and \$500 per day for each and every day I was deprived of my liberty, from the time the demand was made by our minister direct to the Haytian Government, until final release, and for which compensation I have made claim through our minister in Port-au-Prince. For such compensation the Haytian Government has certainly confessed its liability by the fact that it has satisfied the original claim, for which I was first thrown into prison, and also the claims of the Haytians upon whose recommendation I was continued, and by holding said payments as offsets against damages claimed by me, and which my Government will, I know, see are promptly satisfied, as in its demand for my release it formally declared to the Haytian Government that I was entitled to just and due compensation for my illegal detention. I therefore, in consideration of my health being destroyed, unable to carry on my business, which was one of the best in Hayti, come again to ask, Mr. Secretary, that positive instructions be given our minister resident in Hayti that he must forcibly call the attention of the Haytian Government to the necessity of a prompt and speedy settlement, and also see that some proper and public announcement be made, so that all will know that not from any criminal act was I thrown into a loathsome prison, but because being an American citizen, I suffered; that in future all claiming the same blessed privilege would have their rights respected, and that although born in that country my children would not be ashamed of their nationality.

The documents in proof of all the foregoing are on file in your Department.

I, therefore, Mr. Secretary, pray that my case will meet your careful and prompt attention, and not be allowed to slumber.

I am, &c.,

C. A. VON BOKKELEN.

No. 383.

Mr. Thompson to Mr. Bayard.

No. 44.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, October 17, 1885. (Received Oct. 31.)

SIR: Reports received from Cape Haytien indicate since the arrival there of General Brenor Prophète, minister of war and marine, strong measures have been taken to find out those persons connected with the insurgent movement of the 11th ultimo. It appears that a person named Albaret Laroche, who was active in the late insurrection, was secreted on board of a French bark, the Panama, which was loading in the port of Cape Haytien. The authorities therefore asked permission of the French vice-consul to go on board of that vessel for the purpose of arresting the man. The vice-consul communicated with the legation of France in this city for instructions. In the mean time boats surrounded the Panama, and remained there day and night to prevent the man escaping. The French minister refused them permission to go on board. Consequently the authorities would not expedite the vessel, hoping they could prevail upon the French minister to give up the man. Finding eventually that he would not do so, they allowed the Panama to leave with the revolutionist on board.

Communicating these facts opens for me a channel of inquiry, and I would respectfully ask the view of the Department in such a case, viz, where a revolution has taken place and parties connected therewith seek refuge in an American vessel. A case of the kind I believe is without precedent here, but in a country like this, where insurrections are liable to spring up at any moment, I deem it worthy of attention to prepare for contingencies.

In asking advice with regard to a possibility of this kind, I do not lose sight of articles 39 and 41 of our treaty with Hayti, neither do I neglect the established rules of international law, but it must also be remembered that generally in these revolutionary movements sundry persons are killed, as happened in the affair at Cape Haytien. Under those circumstances, although it would be difficult to distinguish the perpetrator of the murder, it cannot be denied that any one of the revolutionists was liable to be the guilty party.

With the hope that I may receive a dispatch with reference to this question,

I have, &c.,

JOHN E. W. THOMPSON.

No. 384.

Mr. Thompson to Mr. Bayard.

No. 47.]

LEGATION OF THE UNITED STATES,

Port-au-Prince, Hayti, October 26, 1885. (Received Nov. 10.)

SIR: According to instructions received in dispatch No. 4, of the date of June 15, 1885, from the Department, I have on sundry occasions approached the honorable secretary of state, Mr. Brutus St. Victor, with regard to the reclamation of Mrs. Evan Williams and that of Mrs. Isabella Fournier. I had several interviews with him, besides having addressed to him dispatches relative to these claims. On each occasion in his replies he stated the same thing, and on one occasion tried to impress it upon my mind that these ladies were Haytians, not Americans. Therefore on the 12th instant I addressed to him the inclosed dispatch, the response to which, herein inclosed, has just come to me before the closing of the mail.

Neither in my dispatches nor my conversations have I at any time admitted as a criterion the decisions allowed by my colleagues concerning like claims. On every occasion when he alluded to their action I have refrained from making any reply whatever.

The honorable secretary admits that those ladies held title deeds, and that no legal proceedings had dispossessed them, yet refuses to acknowledge their losses to be actual. He quotes the fact concerning Mrs. Williams that in 1875, by the death of her father, she came in possession of a certain amount of the real estate left by him, and contends that she would never have done so only she again considers herself a Haytian, as foreigners are not allowed to hold land in Hayti, also adding that the Government has not time to hunt up persons holding defective title deeds. None of these arguments would I admit; hence, as by the dispatch herewith inclosed, Mr. St. Victor informs me that the subject of these claims will be sent to the Haytian representative at Washington.

I think these two ladies have claims that, both by law and reason, are valid, and have been unable to find, in any of Mr. St. Victor's dispatches, or in my conversations with him, any reason to lose that opinion.

I await, therefore, with interest, further instructions from the Department.

I am, &c.,

JOHN E. W. THOMPSON.

[Inclosure 1 in No. 47.]

*Mr. Thompson to Mr. St. Victor.*LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, October 12, 1885.

SIR: I find with regret that it is necessary for me to again address your department with regard to the losses sustained by my citizens, Mrs. Evan Williams and Mrs. Isabella Fournier. There is no question of the losses being actual; these ladies are Americans, and while being Americans their property was destroyed, hence they desire redress for their losses.

I repeat, Mr. Minister, that in certain States of the United States of America there are laws forbidding aliens to hold property, yet if they do obtain real estate it is theirs and acknowledged such, unless due legal proceedings be instituted dispossessing them; the foreigner has right, therefore, to expect that amends be made for any injury thus received, and undoubtedly so since the Government of a country is responsible for any wrongs done by arbitrary and revolutionary excitement. But it is useless, Mr. Minister, to continue the same arguments I have already made and which your true sense of justice must allow. I have been appealing to you by the express advice of my Government, and unless I can have some satisfactory arrangement made with these claims, knowing the feelings of my Government concerning them, I must write to the Department of State at Washington and ask for further instructions in the premises.

With the sincere wish that you will re-examine these cases from a legal aspect, both of ancient and modern law, and influenced by the justice of them, will try to bring them to a final settlement,

I am, &c.,

JOHN E. W. THOMPSON.

[Inclosure 2 in No. 47.—Translation.]

*Mr. St. Victor to Mr. Thompson.*DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, Hayti, October 26, 1885.

MR. MINISTER: The resolution taken by your legation to maintain the arguments that it has presented to my department on the subject of the reclamations inadmissible by law of Mrs. Evan Williams and Mrs. Isabella Fournier, persuades me that all prolongation at Port-au-Prince of a discussion in which reproduced continuously on your part the same reasons will be of no utility, in view of the formal instructions of your Government.

The representative of the Republic at Washington will therefore be charged to make, relatively to these reclamations, to the Government of the Union communications which, in my opinion, will not fail to convince it of the small foundation of the pretensions of these claimants. However this may be, permit me to expose to you some points, which will close the discussion between your legation and my department.

When the Haytian Government consented to admit the principle of an indemnity in favor of foreigners who had experienced losses on the occasion of the events of the 22d and 23d September, 1883, there could only be a question about household goods. Madame Peloux, a French woman, formulated a claim of the same nature as those in question, but she was rejected for the reasons already given in my preceding dispatches. All the foreign representatives, except the minister resident of the United States, have admitted this rule in Hayti, from which foreigners, not being owners of real estate, cannot lose immovable goods. Madame Coby, a French woman, had to undergo the same rule.

If the laws in Hayti prevent a foreigner from acquiring there, under whatever title it may be, real estate, in the United States, if there are similar laws, it seems clear to me that they should have the same effects. A void title cannot serve to establish a right to ownership and to reclaim the price of real estate lost—it is indispensable to prove that ownership. The act of transferring of real estate which a foreigner may have is inoperative, because of his being unable to acquire such. No one, if he is not a Haytian, can, according to the constitution, be owner of estates in Hayti under any title whatsoever, nor acquire any immovables. Articles 450 and 479 of the civil code contain also this prohibition.

If in certain States of the American Union there exists alongside of the interdiction for a foreigner the right of possessing the power of acquiring immovables, leaving with the Government the employment of legal means to cancel the acquisition, it is not the same in Hayti, where the laws are formal. The conclusion which I have

drawn from this incapacity of acquiring is so natural, so logical, that the drawers-up of the law which forbids foreigners in the United States from acquiring there or possessing land have not been able to escape therefrom. In fact, the following bill was presented to the House of Representatives of the United States on the 25th of February, 1884; the report recommending it is of date January 20, 1885. I do not know whether it has been admitted by the Senate, but it stipulates "that it be decreed by the Senate and the House of Representatives of the United States of America in Congress assembled, that no foreigner in the United States, and no other persons but citizens of these States, or those who have legally declared their intention to become citizens, can acquire titles to property or possess any lands in the limits of the United States or their jurisdiction, and that all acts transferring of property to their benefit shall be, after the approbation of the present bill, void of effect."

Here are the consequences resulting from the violation of our laws.

Accept, &c.,

BRUTUS ST. VICTOR.

No. 385.

Mr. Bayard to Mr. Thompson.

No. 28.]

DEPARTMENT OF STATE,
Washington, November 3, 1885.

SIR: Your dispatch No. 44, of the 17th October last, in reference to the escape of a supposed revolutionist on board of a French bark, is received.

It would be impossible to give you any instructions, as you request, with a view to the possibility of such a case happening on an American vessel. As you say that the case in point is without precedent, the probabilities of your being called upon to decide one of the same kind would seem to be remote. Without questioning the propriety of the action or judgment of the French minister in refusing to give up the refugee, I may say that international law does not recognize the right of asylum of foreign legations in any country, and that according to American principles of law a merchant vessel in port is under the authority of the local laws and officials, and that neither a consulate nor a legation would have anything to say in regard to a supposed criminal being taken from a ship. If the person claimed were a foreigner accused of a crime included in extradition treaties, the question as to rights and duties of consular or diplomatic officials would be different. The action of the local authorities and the foreign agents would seem to place this matter on a false extradition basis, which might lead to troublesome complications. It is hoped that no other unpleasant occurrence of the kind may occur, though, in case there should, the Department has no doubt that your good judgment will enable you to deal with the emergency prudently and wisely.

I am, &c.,

T. F. BAYARD.

No. 386.

Mr. Thompson to Mr. Bayard.

No. 49.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, November 3, 1885. (Received Nov. 18.)

SIR: I have to inform you of the death of Mr. Charles A. Van Bokkelen, who died on the 1st instant, at two o'clock in the afternoon, aged 37 years. He was buried on the 2d instant, many Americans and for-

eigners following the remains to their last resting place. I attended the funeral, and it was a fact worthy of note that a sincere feeling of sadness at his death and sympathy for his wife and two small children seemed to pervade all present. I had entered his claim against the Haytian Government to the sum of \$113,600 some time before his death, and will continue to press the same, as advised by the Department.

I am, &c.,

JOHN E. W. THOMPSON.

No. 387.

Mr. Thompson to Mr. Bayard.

[Extract.]

No. 50.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, November 5, 1885. (Received Nov. 18.)

SIR: I have the honor to produce, as herewith inclosed, two communications from Mr. Alexander C. d'Almena, the American citizen who was held in the common jail of this city, charged with the purloining of certain mandates, to the detriment of the National Bank of Hayti. The inclosed statement brings forth all the facts of the case. There has been no official statement of the trial published.

I attended many days during the proceedings of the "court of cassation," and it was remarked daily that all the evidence produced in the prosecution was in favor of Mr. d'Almena; indeed, the attorney-general almost ignored any statement with regard to our citizen. At the end of the thirteen days he was acquitted, with two others, a British subject and a Haytian citizen.

Since the trial the attorney-general and his deputy have been suspended from office.

* * * * * *

I have, &c.,

JOHN E. W. THOMPSON.

[Inclosure 1 in No. 50.]

Mr. d'Almena to Mr. Thompson.

PORT-AU-PRINCE, *October 1, 1885.*

HONORABLE SIR: As a loyal American citizen, I have the honor to bring under your notice the following case of denial of justice, wanton violence, arbitrary imprisonment, and persecution, of which I have been a victim at the hands of the Haytian Government, the facts of which are as follows:

By order of the judge "d'instruction," Mr. Ernest Bonhomme, of the civil tribunal of Port-au-Prince, I was arrested on the 10th of December, 1884, falsely accused of complicity in an embezzlement of public effects, to the detriment of the National Banking Company of Hayti, alleged to have been committed by a Mr. F. B. Coles, at the time when the latter was chief accountant in the aforesaid establishment. Seized upon by the police, I was forcibly conveyed to the prison of this city, and at once placed in special confinement ("au secret"); that is, shut up in a narrow, filthy cell, devoid of light, and the suffocating air contaminated by its noxious proximity to a cesspool liberating foul stench, provocative of infectious disease. It was in this hole that I was kept in close confinement for the space of fifteen consecutive days and nights, at the end of which time only, the judge thought fit to cause the door to be opened, and it was only then that your predecessor, Mr. J. M. Langston, who had

vainly endeavored hitherto to obtain access to me, was enabled to inspect the horrible den in which I had been confined, in contempt of the most elementary principles of humanity.

I have every reason to believe that these persecutions were the result of a preconcerted plot contrived to ruin my credit and bring disgrace upon me, a conviction which I no longer doubted, when, on my insisting that I should be brought face to face with my calumniators who had declared that I had received \$1,000, the amount of a public effect twice paid, I was told by the inquiring judge *that it would be time enough for that when the assizes came on.*

Events have proved that they were evidently resolved to persecute an innocent man, and it was only on the 19th instant that I recovered my liberty, after having endured a most cruel imprisonment of 283 days, and been placed for thirteen days more on the criminal benches at the public assizes of a country where the dispensation of law is a mockery and simply a tool in the hands of those who ought to administer it with the greatest impartiality. Although during the private examination prior to the trial they could bring forward no proof of my guilt, they nevertheless kept me in prison and strenuously refused bail.

I would respectfully beg to call your attention to the fact that I am a man of 52 years of age, and have all my life enjoyed a stainless reputation for honor, and have been surrounded with all that commands private and public respect. The Haytian authorities however, did not hesitate to hold me up to the public in the light of a miscreant thief worthy of a convict prison, in order more fully to crush and humiliate me in that which a man holds dearest, his character and his honor. Indeed, during the preliminary investigations they obstinately disregarded all evidence of the truth and discarded every principle of justice, and, basing themselves solely on false accusations and groundless assertions, they decided, on the 14th of March last, that I should be remanded until the assizes and take trial in the criminal dock, this time as *an author* of the theft of the public effects to the prejudice of the National Bank of Hayti.

By this act of wanton injustice and refined persecution on the part of the judicial council chamber of Port-au-Prince, I was struck in my nearest interests, for, contrary to the usage and practice of the Haytian law, they published this decision in the official journal of the Republic (*Le Moniteur*), knowing that copies of it are regularly sent abroad, where the effect was calculated to utterly ruin my credit and my interests. Happily, however, in doing this they did not calculate upon the evidence it contained against them of their preconcerted decisions. Such a decision was too unjust, and wanting in all spirit of fair play and equity to be overlooked, and I attacked it in the court of appeal of Port-au-Prince. I did so not only on the plea of its want of equity, but also on several technical flaws it contained. It is needless to add that the appeal was without effect, the court coming to two decisions dated 1st and 17th July, 1885, maintaining the former decision of the council chamber, and ignoring my appeal altogether, thus clearly setting forth their premeditated intention of committing and maintaining a complete denial of justice.

I must remark that at the same time I lodged, as you are doubtless aware, my formal protest in the hands of your predecessor, both against the writ of the council chamber, and also these two latter decisions, which caused me to undergo the ordeal, though innocent, of a trial in a criminal court. During this trial, which lasted thirteen days, it is noteworthy to remark that all the witnesses for the prosecution gave evidence in my favor, and also that the public prosecutor (attorney-general) himself throughout was completely embarrassed, and totally at a loss to bring forward the slightest fact in proof of my would-be guilt, and up to the end was unable to say a word tending to prove that I was in any way concerned in the matter with which I was charged, his only statement being false and empty insinuations to my discredit. I came out of prison innocent and acquitted, it is true, but with the stigma of a criminal jail hanging about me, and having to bear the consequences of the terrible sufferings of a contaminating confinement of more than nine months.

The positive damages which this odious and unjust trial has occasioned me are nevertheless immense. When one takes into account that on my arrival here I held a contract with a financial establishment of Paris (of which there is a legalized copy in the hands of his Excellency the President of Hayti), engaging itself to furnish, progressively, funds to the extent of 15,000,000 francs for the establishment of central sugar factories in the plains of "Cul de Sac" and the "Grand Plain," ultimately to be connected by railways; to further connect the "Etang Salé" with the sea by steam navigation, and to develop the exploitation of the rich timber forests in that district, and, lastly, to found in Port-au-Prince a banking establishment, with branch associations, for a "crédit foncier et agricole." The industry and technical knowledge I was furnishing to this enterprise was estimated at the sum of 500,000 francs, which, bearing interest, was to form my capital. Apart from this, I was to receive annually a sum of \$20,000 for my expenses, administration, displacements, &c. All this was on the eve of being realized, and already one of the chief capitalists was to start for

Port-au-Prince, on the 21st of December, 1884, from Paris, when the news arrived there, on the 15th December of that year (by cable), of my arrest here for my connection in the embezzlement of public effects from the National Bank of Hayti. As soon as the news was confirmed, the fate of all my future prospects was naturally doomed.

The news of the arrest of a man of such good repute and on such a charge created the greatest astonishment, but when came the announcement of the decision of the council chamber of the 14th March 1885, published as it was in the official journal of the Haytian Government, the final blow was struck and I was simply ruined. Thus, not content with having violently assailed without cause the character and standing of an innocent man in their own country, the Haytian Government must needs disgrace him abroad, and even before the rendering of the verdict they must, by aid of their official means, hold him up to public odium and scorn. I will not expatiate any longer on the injustice I suffered at the hands of the authorities here.

The harm occasioned to me by the Haytian Government, both morally and physically, by an imprisonment as trying as it was arbitrary, and as long as unjust in the jail of this city, under a false and slandering accusation devoid of the least particle of evidence to support it; the great publicity given to the decision of the 14th March, 1885, by the Government official journal, wholly based on suppositions, occasioning the loss of my credit and financial and industrial combinations; and, lastly, the denial of justice committed to my prejudice by the supreme court of appeal, on the application I made, the principal object of which was to spare my having to sit in the criminal dock, innocent though I was, and exposed to the derision and even contempt of the public (causing me thus to drink the bitter cup of shame to its very dregs)—are not these weighty wrongs, at however just pecuniary value one may estimate them, of a nature never adequately to be compensated by their authors towards their victim?

The answer is plain, and I think that in naming \$1,000 per day, that is, \$283,000 as compensation for the 283 days passed in the prison cells of this city, on the one hand, and of \$200,000, in all \$483,000, taking as a basis five years only of my aforesaid industrial administration and my 500,000 francs' capital, on the other, as reparation and indemnity for the material wrongs inflicted on me by the arbitrary persecutions of which I have been the object, from December last to the day of my release, 19th of September of this year, will be but a feeble estimate *in money* of the irreparable wrongs and losses which I have had to bear at the hands of those by whom they have been inflicted.

I have, therefore, sir, the honor to hand over to you the present statement and claim, for the length of which I must apologize, begging you, at the same time, to use your good offices to obtain from the Haytian Government that compensation to which you will agree with me I am so justly entitled.

I have, &c.,

C. D'ALMENA.

[Inclosure 2 in No. 50.]

Mr. d'Almena to Mr. Thompson.

PORT-AU-PRINCE, HAYTI, *October 23, 1885.*

HONORABLE MINISTER: Without wishing to modify any of the considerations advanced in the statement, of date 10th of this month, which I had the honor to lodge with you for the information of yourself and of my Government, in support of my claim against the Government of Hayti, it may not be superfluous to call your further attention to the following facts, for the consideration of the honorable the Secretary of State and Cabinet of the United States Government:

(1) No law has ever existed, nor does at present exist, with reference to the "Banque Nationale d'Hayti" which can justify my arrest, based upon the conditions and circumstances of fact or of reason, which have preceded, accompanied, or followed, the unjust imprisonment of which I have been the victim during so many months. For this reason, the "juge d'instruction" (magistrate who conducted the preliminary examination of the case) was obliged to allege in his commitment, as a motive for my imprisonment and solitary confinement ("secret"), my pretended participation in a breach of confidence of which one Mr. F. B. Coles, chief accountant at the "banque," and then "en fuite," was accused of being the principal. Later on, it became evident that my pretended complicity was but a pretext, not a legal motive for placing me under arrest; that this complicity was so unfounded that they subsequently abandoned it to make me one of the principals in a domestic robbery of public securities committed at the "Banque Nationale d'Hayti," and to the prejudice of said "banque."

(2) After having thus proceeded—that is to say, in the absence of any legal provision—without any law foreseeing or determining, from a penal standpoint, the proper

and exact character of the facts on which, notwithstanding, the prosecution against me was based, they did not hesitate, the victim being once secured and thrown by force into a dungeon in contempt of all law, to pursue thenceforth a course in violation of justice. Later on still, in contempt of all the testimony previously given before the "juge d'instruction," establishing my complete innocence—for, repeated orally before the jury, said testimony has established how the real facts were falsified by both said magistrate and the "chamber du conseil" (a sort of secret grand jury)—in order to arraign me before the criminal court (assizes), I was accused gratuitously, wickedly, and without the least reasonable presumption, of being one of the principals of said domestic robbery, although the facts, such as they were developed at the preliminary examination, constituted neither domestic nor simply robbery, nor any other offense qualified crime by the laws of Hayti or of any other country. In default of Mr. F. B. Coles, then absent from the country, it is obvious that they wanted to lay hands on some high officer of the "banque," on whom to saddle a responsibility which they had taken off the shoulders of the director, to whom a "safe-conduct" was granted for leaving the country, but in fact to discharge the bank's administration of the obligation of paying the securities fraudulently placed in circulation.

(3) It is therefore evident and incontestable that I have been arbitrarily and illegally proceeded against, thrown into a "cachot," kept in secret confinement under the false accusation of having committed or participated in a domestic robbery, the indictment itself being false and defective in legal form.

(4) I could not allow such a gross illegality to be perpetrated against me without appealing to the supreme court ("cour de cassation"), for a condemnation and reversal of the foregoing proceedings, and I did appeal accordingly. But it was in vain, in support of my appeal, that the strongest and most unretortable legal facts and arguments were presented, among others, the precedents established by the supreme court itself during many years, the resolution had been taken beforehand to place me in the criminal dock.

The most outrageous denial of justice has been committed by the supreme court of Hayti in contempt of all my rights. Two judgments, the second intended to rectify and explain the other, dated the 1st and 17th of July, of this year, were rendered by the supreme court on the appeals of two other persons accused at the same time and of the same crime (both being British subjects), which appeals were made, like mine, against the said indictment dated the 14th of March, which sent them for trial before the criminal court of this city; but, in defiance of every legal principle, the said supreme court refused to examine my appeal, and consequently did not render judgment at all upon it, although the appeal was based upon the text of the law governing the proceedings of preliminary examination in criminal cases.

A formal protest was addressed at this time by the Hon. Dr. Thompson—I mean yourself—to the secretary of state for foreign affairs of Hayti, with regard to this attitude of the supreme court towards me. In answer to this protest the Haytian secretary of foreign affairs advanced to the American legation all sorts of considerations irrelevant to the question at issue, and failing to justify the attitude of the supreme court with regard to my appeal. In that response the Haytian secretary of foreign affairs asserted, among other things, that "the appeal of Mr. d'Almena aimed at a destruction of all grave presumptions both against himself and against those accused with him" (a consequence which would inevitably have followed if the appeal had been admitted as it ought to have been), as if there existed in that fact any motive which could justify the supreme court in refusing an examination of my appeal.

It was also affirmed in this same dispatch of the Haytian minister that "it is the fact itself with which all the accused are charged that constitutes the object of Mr. d'Almena's appeal." How could my appeal have any other object than that of the accusation itself, based, as it was, precisely on the very same consideration mentioned in the first provision of article 205 of the "Code d'Instruction Criminelle," which clearly declares that the fact charged against me is not qualified as a crime? The inference is self-evident.

The same dispatch adds further, that "the maintenance of the bill of indictment by the supreme court is a *proof* that the fact, which is the object of the prosecution, constitutes a crime in the eye of the law."

Here one is forced to demand how a fact, bad in itself, is able to become good by simply maintaining this same fact in its primitiveness without the least modification? In other words, how could the bill of indictment of the 14th March, 1885, framed contrary to the law (see first provision or clause of article 205 of the Code d'Instruction Criminelle), become conformable to the law because simply of its having been maintained as such by the supreme court?

The denial of justice enacted by a subservient court has evidently filled up the measure of all that I was made to suffer physically and morally during the 283 days of my imprisonment in one of the "cachots" of Port-au-Prince, from the first hour of my arrest, to the day when I was set at liberty, thanks to Divine Providence.

That my innocence was and is unquestionable is clear from the fact that a jury, however bribed and menaced as they were, shrunk from the awful responsibility of returning a verdict against me.

On submitting, honorable minister, both this explanation and the statement, dated the 10th of the present month, alluded to above, to you as the representative of my Government, I respectfully request that you will cause an official certificate of the deposit of these documents at the legation to be delivered to me, and, upon due consideration of all the circumstances, inform me whether a doubt may exist of the responsibility of the Haytian Government for the outrages committed against my liberty, honor, and interests, in order that the damages which I have sustained may be immediately repaired.

I have, &c.,

C. D'ALMENA.

P. S.—As another evident proof of the long-entertained conviction of my innocence in "high spheres," I beg to subjoin a number, dated the 26th September last, *i. e.*, eight days after my release, of the "Œil," a newspaper which receives subsidies from the Government, and is owned and acknowledged as being the semi-official organ of same. This spontaneous declaration reads as follows:

"We have announced in our last number the acquittal of Mr. d'Almena. For our part, we had never entertained a doubt on that matter."

C. D'A.

CORRESPONDENCE WITH THE LEGATION OF HAYTI AT WASHINGTON.

No. 388.

Mr. Bassett to Mr. Davis.

LEGATION OF HAYTI IN THE UNITED STATES,
New York, January 13, 1885. (Received January 15.)

SIR: If you will extend your courtesy toward me so far as to allow me to refer in this way to our conversation of yesterday concerning the case of Mr. C. A. Van Bokkelen, I would avail myself of the occasion to state to you that upon a careful rereading of the notes exchanged between Mr. Langston and the Government of Hayti on the subject, I find Mr. Langston bases his protest in the matter upon two allegations:

(1) That Mr. Van Bokkelen has been in the jail and hospital of Port au Prince for quite a year, awaiting, as represented (*pretended* is Mr. Langston's word) by those in authority, the action of the courts with reference to decision as to his right by law, under the treaty existing between Hayti and the United States, to make assignment of his property, personal or other, in the interests of his creditors.

(2) That neither Mr. Van Bokkelen's arrest, in the first instance, nor his confinement, accords with the law and usages of Hayti, nor with those of any civilized state of the world.

(1) On the other hand, it appears that, according to the terms of article 794 of the code of civil procedure of Hayti, foreigners are not admitted to the *bénéfice de cession*.

(2) That the civil tribunal of Port-au-Prince has rejected Mr. Van Bokkelen's application to avail himself of that *bénéfice*.

(3) That an appeal has been taken from this decision of the civil tribunal to the supreme court (tribunal de cassation), on the plea that the

court below erred in its proceeding, in that it did not, in making up its decision, take due note of the spirit and text of articles 6 and 9 of the treaty. May we not, therefore, infer that Mr. Van Bokkelen's case has been fairly before the lower courts and is even now before the highest tribunal of Hayti?

Perhaps you will permit me to invite your attention to the fact that while article 6 of the treaty which has been invoked in Mr. Van Bokkelen's favor confers certain privileges, it also demands that he should furnish surety. As a foreigner in Hayti, he can not offer as surety in his own name any realty. Would the fact that he is willing to surrender his personal property necessarily meet the requirements of the law concerning surety?

It is true that article 9 of the treaty recognizes the right of Americans in Hayti to dispose of their personal possessions (*biens mobiliers*) by sale, donation, will, or otherwise. This would seem to leave Mr. Van Bokkelen free to assign his personal property to his creditors. But if that property is such in value as to furnish no adequate guaranty to them under the law, as I understand to be the case, can he in this way escape the force and spirit of the law of the country in which he has chosen to reside during the past eight or ten years?

I do not think that there is any spirit of unfairness towards Mr. Van Bokkelen or discrimination against him in these proceedings. He is, as I understand it, in detention under the customary administration of the law of Hayti, which certainly differs from that of the United States.

I have reflected much on the statement which you kindly made to me, to the effect, as I understood it, that Governments can always hasten proceedings before their courts, and I do not think that there ought to be any difference of opinion as to the desirability of speedy trials, and a duly tender consideration for persons deprived, by whatever process, of their liberty.

I am, &c.,

EBENEZER D. BASSETT.

No. 389.

Mr. Frelinghuysen to Mr. Bassett.

DEPARTMENT OF STATE,
Washington, January 21, 1885.

SIR: I have to acknowledge the receipt of your letter of the 13th instant, in relation to the case of Mr. C. A. Van Bokkelen, imprisoned at Port-au-Prince for debt.

Although I have given your letter an attentive perusal, I find myself unable to transfer hither the discussion of the merits of Mr. Van Bokkelen's case, as your comments would seem to indicate. I content myself by saying, therefore, that Mr. Langston's actions and protests in behalf of Mr. Van Bokkelen have received the Department's approval.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

ITALY.

No. 390.

Mr. Keiley to Mr. Bayard.

RICHMOND, VA., April 18, 1885.

MY DEAR SIR: Your letter, with inclosures, correspondence with Baron Fava, is just received. I shall at once countermand my order for berths on the Normandy for the 29th and await your further commands. My preparations for starting are complete, except the disposition of my effects, which I shall allow to proceed. I have resigned my office here and my successor has been chosen, so that I am quite free.

The "protestation" as to which his excellency Signor Mancini inquires was the following:

At the request of the bishop of this diocese a public meeting of Catholics was held in the church of his parish January 12, 1871. This was, of course, solely with reference to the occupation of Rome, and the consequent dethronement of the Pope as a civil sovereign, and, in common with the Catholics of America quite generally at that time, I regarded the deprivation of the civil power of the Pope as an unwarranted invasion, and so said. As to my remarks, they were delivered impromptu, and I have taken the pains to ascertain whether they were reported stenographically, and find they were not. After an interval of more than fourteen years I cannot, of course, say whether, or in what degree, they were correctly reported; doubtless they were substantially.

The resolutions were prepared by the bishop, and the scope of them is fully expressed in the first, which is as follows:

Resolved, That the Catholic clergy and laity of Richmond, confident that their course will be indorsed by the entire diocese, protest against the invasion and spoliation of the states of the church by King Victor Emmanuel as a crime against solemn treaties and against the independence of the head of the church on earth, which must always be imperiled while he is the subject of any temporal prince or government.

I was chairman of the committee, and accept, of course, full responsibility for them, whatever it may be, for while the progress of events, and the firm establishment of the Italian Kingdom, with the approval of the Italian people, has removed all such questions from the realm of discussion, at that time the whole world was discussing them, and I was on the side of those who thought the King of Italy in the wrong.

I do not affect to be indifferent to the settlement of this matter, of course. I have simply rooted myself up and could not reinstate myself here; but I am much more concerned at the annoyance it may have caused yourself and the President.

I presume nothing remains save to await the orderly conclusion of the matter, but I want it distinctly understood that I am absolutely at the disposal of yourself and Mr. Cleveland, who must permit no fear of mortifying me or harming my interests to stand in the way of any conclusion agreeable to yourselves.

Very respectfully, &c.,

A. M. KEILEY.

No. 391.

Mr. Keiley to the President.

WASHINGTON, April 28, 1885.

To the President:

From the evidence which you have brought to my notice that the present Italian Government holds such prejudices concerning the opinions expressed, and still entertained, by me, in respect of certain public transactions now historic in that country, as render it impossible that my presence as minister to Italy would be either agreeable to that Government or to me, or useful to my own Government, I recognize the impropriety of retaining the commission with which you have honored me, and, with thanks for the confidence expressed in tendering it, I beg leave hereby to resign it.

I have, &c.,

A. M. KEILEY.

CORRESPONDENCE WITH THE LEGATION OF ITALY AT
WASHINGTON.

No. 392.

Baron Fava to Mr. Bayard.

WASHINGTON, April 13, 1885.

SIR: The New York Herald reported yesterday (page 14, second column) some statements of Mr. Keiley, recently nominated and confirmed United States minister to Rome, concerning His Majesty the King Victor Emmanuel and the Kingdom of Italy.

Please be so kind as to tell me at what o'clock can I have to-day the honor to speak with you about this matter, which, if it is true, is a most urgent and a most regrettable one.

Accept, &c.,

BARON FAVA.

No. 393.*Mr. Bayard to Baron Fava.*DEPARTMENT OF STATE,
Washington, April 13, 1885.

MY DEAR SIR: I regret exceedingly that my engagements to-day will not allow me the pleasure of the special interview proposed in your note of this morning.

If you consider that the subject to which your note relates cannot be deferred until next Friday, the day set apart for my reception of the ministers of foreign Governments, I will have pleasure in seeing you at 1 o'clock on Wednesday, the day after to-morrow.

Enough, however, is disclosed by your note to induce me in all frankness to state that this Department cannot make the editorials of a news-

paper, having no connection whatever with the Government, in relation to the alleged utterances, confessedly made unofficially some fourteen years ago, of a gentleman selected and approved by the Government of the United States to represent it in a foreign country, the basis of discussion with the minister of that country here resident.

In selecting Mr. Keiley as envoy extraordinary and minister plenipotentiary to Italy this Government has sought to fulfill its honorable and amicable duty towards the Government you represent, and cannot enter into discussion in respect of its action.

It is unnecessary for me to suggest that, having performed our full duty in proffering a gentleman of the highest personal character and intelligence, and one who entertains no other sentiments toward your Government than those of entire respect and friendship, to represent the Government of the United States in Italy, nothing further devolves upon this Government, and believing that Mr. Keiley will prove in all respects agreeable and acceptable as *persona grata* to the Government of Italy, we must leave that Government to the exercise of its own and sole discretion in receiving him in the same spirit of friendship and respect in which he is sent forth.

I am, &c.,

T. F. BAYARD.

No. 394.

Baron Fava to Mr. Bayard.

WASHINGTON, April 20, 1885.

MY DEAR MR. BAYARD: His excellency the Italian minister for foreign affairs, to whom I hastened to communicate the contents of your personal of the 17th instant, for which I beg to renew my best thanks to you, has addressed to me the cablegram that I have the honor to inclose herewith.

The deep sympathies existing in Italy toward the United States, of which my Government has been always eager to give constant proofs, prompt Mr. Mancini to trust that his considerations will be received and appreciated by the President and by you with that spirit of justice, of high benevolence, and friendship which have always been and are at present proper of the American Government. Making accordingly a warm appeal to such sentiments, his excellency hopes that, in the common interest that we cherish so much to have in Italy a United States representative who might effectively strive to confirm ever more the excellent relations happily existing between the two countries, the United States Government will be willing to bestow upon us a new proof of sincere amity in appointing another candidate as its representative in Rome instead of Mr. Keiley.

Mr. Mancini, to whom I most cordially join, expects with the utmost confidence the decision which his Excellency the President will be pleased to take upon the subject and the reply that your excellency will be kind enough to communicate to me.

I am, &c.,

FAVA.

[Inclosure.—Telegram.—Translation.]

Mr. Mancini to Baron Fava.

ROME, April 19, 1885.

ITALIAN MINISTER, Washington:

I beg you to present my thanks to the Secretary of State for having consented to delay Mr. Keiley's departure. We afforded sufficient proofs of our strong sympathy with the United States, that we might expect a just and benevolent appreciation of the considerations which dictate our present action. Whatever Mr. Keiley's sentiments may be, and without doubting by any means his high respectability, it is impossible (if his former conduct is really the one remembered by the American newspapers) that he might be *persona grata* to our King, and he might find himself in an unpleasant position in a country whose lawful feelings have been hurt by his utterances in the year 1871. It is therefore in behalf of the common interest we have that the representative of the United States here should be so situated as to be able to effectively and successfully exert himself in strengthening the excellent relations existing between the two countries, that we must sincerely state the impossibility we should experience in making Mr. Keiley's selection acceptable to His Majesty, and that we address a warm appeal to the good amity of the American Government in order that it might oblige us by appointing another candidate to Rome. The change of Mr. Keiley's destination would save us the painful necessity to insist with the Washington Cabinet upon the reasons which indeed ought to render such a nomination unadvisable. I expect with confidence the President's decision and the reply of the Secretary of State, which you will please let me know at once by telegram.

MANCINI.

No. 395.

Mr. Bayard to Baron Fava.

APRIL 30, 1885.

MY DEAR BARON: Your personal note of the 20th, inclosing a copy of the cablegram you had received from the Italian minister for foreign affairs, conveying the sentiments of your Government in relation to certain opinions expressed by the Hon. A. M. Keiley at a public meeting in Richmond, Va., in January, 1871, came to my hand, and its purport was made known to Mr. Keiley.

These expressions, made so long ago, are considered by Signor Mancini to constitute the individual who uttered them *persona non grata* to the present King of Italy, and this fact has very considerably been brought to the knowledge of the President through your correspondence with me.

I recognize the full and independent right of your King to decide this question of personal acceptability to him of an envoy of this Government.

In the selection of Mr. Keiley the President was actuated by a hearty desire to cement and strengthen the ties of respect and friendship so long and happily existing between Italy and the United State, and believing him to be a gentleman of high honor and intelligence, and animated only by the sincerest sentiments of respect and duty to the Government to which he was so accredited, he was duly commissioned to proceed on that honorable and friendly service.

The feeling of your Government on the subject, as conveyed by you to me, has caused an arrestation of Mr. Keiley's movements, and he has returned to the President his commission as envoy extraordinary and minister plenipotentiary to Italy, and the object of Signor Mancini's communication to you is therefore accomplished.

I am, &c.,

T. F. BAYARD.

JAPAN.

No. 396.

Mr. Bingham to Mr. Frelinghuysen.

[Extract.]

No. 1970.]

LEGATION OF THE UNITED STATES,

Tokio, Japan, December 22, 1884. (Received Jan. 14, 1885.)

SIR: I regret to have to record another violent outbreak of the mob in Corea. Information has been communicated to me verbally, both by Count Inouye, his Imperial Japanese Majesty's minister for foreign affairs, and by his excellency Li-shu-chang, his Imperial Chinese Majesty's minister at this court, that on the 4th or on the 5th instant there was an assault made by a Corean mob in Seoul upon the ministers of His Majesty the King of Corea, and also upon the Japanese soldiers, some two hundred in number, who were invited by the King, in a personal note addressed by His Majesty to Mr. Takezoye, the Japanese envoy to Corea, to give protection to the King in his palace. It is painful to be constrained further to remark that a number of persons were killed in this conflict, and also that the Japanese legation buildings in Seoul were burned by the mob. This Government has sent to Corea a commissioner to ascertain all the facts connected with this uprising.

That there should be such a manifestation of ill will towards this government by any portion of the Corean people is the more surprising in view of the fact that only a month before this unhappy affair the Imperial Government of Japan generously released the Government of Corea from its obligation of \$450,000, incurred and agreed to be paid as indemnity to this Government for the murder of Japanese soldiers and officials and the burning of the Japanese legation buildings at Seoul in 1882.

* * * * *

On the 13th instant his excellency Mr. Li, the Chinese envoy, called on me and expressed his regret that the violence in Corea should have occurred, and asked my good offices to "smooth over," as he expressed it, the matter with the Imperial Government of Japan. I promised to use my good offices (I have done so) to bring about, if possible, an amicable settlement of the difficulty, should any difficulty arise between China and Japan out of the recent conflict in Corea between the Chinese and Japanese soldiers. It gives me much pleasure to say that Count Inouye assures me that his Government will endeavor to settle all questions with China in an amicable and friendly spirit. It is also highly satisfactory to me to be assured, as I have been, that our legation in Corea has escaped unhurt, and that Mr. and Mrs. Foote have safely reached Gensau (Chemulpo), where the U. S. S. Trenton is at present, as is also a Japanese man-of-war. I have written a personal note to Mr. Foote suggesting the importance of the Trenton's remaining at Gensau (Chemulpo) until all trouble is over, and that it would be well also that he and Mrs. Foote should remain there for the present.

I have, &c.,

JNO. A. BINGHAM.

No. 397.

Mr. Bingham to Mr. Frelinghuysen.

No. 1975.]

LEGATION OF THE UNITED STATES,

Tokio, Japan, December 22, 1884. (Received Jan. 14, 1885.)

SIR: I have the honor to inform you that on Saturday last, the 20th instant, his excellency Count Inouye, his Imperial Japanese Majesty's minister for foreign affairs, sent by his secretary a verbal message to me, as follows: That his Imperial Japanese Majesty's Government desired, in token of their friendship for the United States, to make a gift, in perpetuity to the United States of America, of five acres or more of land for legation purposes, in the central part of this city and near to the new imperial palace now being erected therein. The estimated value of the land proposed to be given is \$25,000 or more. The location will be all that could be desired.

I was requested by Mr. Inouye to communicate this offer by telegraph to you, and obtain by telegraph the information whether it will be the pleasure of our Government to accept the proposed gift.

In accordance with the minister's request I have this day telegraphed that five acres of land in Yedo, valued at \$25,000, is tendered as a gift by the Government of Japan to the United States for legation purposes, and asking that an answer be sent by telegraph as to whether or not the gift will be accepted.

Five of the foreign powers, to wit, Great Britain, Germany, Italy, Russia, and China, now own and occupy legation grounds and buildings in Tokio, and Austria-Hungary holds a grant of ground therein, and will, it is understood, erect legation buildings thereon in the ensuing year; and I have no doubt the other foreign powers will at no distant day own legation grounds and buildings in this city. I do not doubt that it will be a wise economy, and greatly promote our commercial interests as well, to accept the generous offer of this Government, and to appropriate, say, \$40,000 to inclose and ornament the grounds and erect suitable buildings for legation purposes, and for court-house and jail and necessary outbuildings. To do this would save annually to our Government in ground rent and rental of buildings a large sum of money, which, say at 3 per cent. on the outlay, in my opinion, in fifteen years would leave the United States possessed of a property, free of all cost, worth \$100,000.

Hoping that my views may find favor and that our Government may accept the proposed gift of land,

I have, &c.,

JNO. A. BINGHAM.

No. 398.

Mr. Bingham to Mr. Frelinghuysen.

No. 1978.]

LEGATION OF THE UNITED STATES,

Tokio, Japan, January 2, 1885. (Received January 26.)

SIR: Referring to my No. 1975, dated the 22d ultimo, in relation to the gift of land for legation purposes in this city, which this Government desires to make in perpetuity to our Government, if the same will be accepted, I beg leave to say that the reason of the request of his excellency, Count Inouye, that I should acquaint you of this offer by tele-

graph and obtain a reply by telegraph of its acceptance, was that this Government will have to buy the property rights of the owner in the land proposed to be given, and therefore wishes to be assured that the gift will be accepted before his Imperial Majesty's Government shall be at the expense of purchasing the present titles of the owners.

This Government wishes to signify the high appreciation of his Imperial Japanese Majesty of the declaration made by President Arthur in his recent message to Congress that the Government of the United States "recognizes the equal and independent station of Japan in the community of nations." It is not surprising that this just declaration of President Arthur should have greatly impressed this Government when it is considered that no other foreign state has by official word or act recognized "the equal and independent station of Japan in the community of nations."

Having received by mail the President's message of the 1st ultimo, as printed in the San Francisco papers, I observe therein the statement that "the Siamese Government has presented to the United States a commodious mansion and grounds for the occupancy of the legation," from which words I infer that the gift was accepted by our Government for the United States without awaiting action by Congress.

I see no reason to question the propriety of such action, nor do I suppose that Congress would refuse as the President suggests in the case of the gift by Siam, "by joint resolution to attest its appreciation of the generous gift."

I await with much interest your telegraphic reply to my telegram of the 22d ultimo, trusting that your reply will be that I may accept the proposed gift for and in behalf of the Government of the United States. Our people have a great commercial future in Japan, and through this commercial gateway, in China and the Eastern countries beyond, if our Government continues as it has begun, which I cannot allow myself to doubt it will do, to deal justly with Japan and with the other Eastern nations.

I have, &c.,

JNO. A. BINGHAM.

No. 399.

Mr. Bingham to Mr. Frelinghuysen.

No. 1996.] LEGATION OF THE UNITED STATES,
Tokio, Japan, January 19, 1885. (Received February 16.)

SIR: I have the honor to acknowledge the receipt of your telegraphic instruction, of which the following is a copy:

WASHINGTON, January 12, 1885.

BINGHAM, *Minister Tokio*: Property gift of Japan submitted to Congress by President, with recommendation be accepted and appropriation be made to erect public buildings.

FRELINGHUYSEN.

I beg to tender my sincere thanks to the President and to you for the prompt and considerate action thus taken in relation to the generous offer of this Government, which I had the honor to communicate to you in my telegraphic dispatch dated the 22d ultimo, and of which I made report in my No. 1975, dated the 23d of December last. I would invite your attention to my No. 1978, dated the 2d instant, wherein I expressed the hope, for reasons therein stated, that you would instruct me by telegram as soon as you were authorized to do so that our Government will

accept the proposed gift, to the end that his Imperial Japanese Majesty's Government might without delay, and with assurance that the gift would be accepted by our Government, proceed to buy in the titles now held by private individuals near to the Imperial Gardens, where the new palace of the Emperor is being erected, near to which it is intended the land offered as a gift shall be. It is understood that lands in the vicinity of the new palace garden are appreciating in value and are now being sought after. Should Congress consent to the acceptance of the gift, I think it important that I should, for the reasons above indicated, be directed by telegram to acquaint this Government that the gift will be accepted.

I have, &c.,

JOHN A. BINGHAM.

No. 400.

Mr. Frelinghuysen to Mr. Bingham.

[Extract.]

No. 887.]

DEPARTMENT OF STATE,
Washington, February 11, 1885.

SIR: Acknowledging the receipt of your dispatches Nos. 1975 and 1978, of December 22 and January 2, last, touching the offer of the Japanese Government of a gift of land to the United States for legation purposes, I have now to inclose three copies of House Ex. Doc. No. 187, Forty-eighth Congress, second session, in regard to the subject. As soon as Congress shall take action upon the proposition as communicated by the President this Department will recommend that a sufficient appropriation be made wherewith to erect suitable public buildings and to inclose and ornament the grounds. Meanwhile, however, I have furnished the Committees of Foreign Relations and Foreign Affairs of the Senate and House with copies of the President's message and of your dispatches, and urged them to make favorable recommendations to Congress for the acceptance of the gift before the close of the present session, if possible.

* * * * *

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 401.

Mr. Bingham to Mr. Frelinghuysen.

No. 2013.]

LEGATION OF THE UNITED STATES,
Tokio, Japan, February 18, 1885. (Received March 30.)

SIR: Some months since his excellency, Count Zaluski, the envoy of the Imperial Government of Austria-Hungary at this court, brought to my attention the question of granting consular relief by our Government to a subject of Austria-Hungary who had deserted from our naval service at Nagasaki from the United States naval steamer Alert, on which he owed service at the time as a naval seaman of the United States, and asked especially my construction in connection therewith of article 12 of our consular convention, concluded in 1871 by the United

States with the monarchy of Austria-Hungary, to which I made reply at the time verbally that in my opinion the said convention in no wise affected the question of naval seamen of the United States of whatever nationality when within this Empire, and only applied territorially to the respective dominions of the high contracting powers to said convention of 1871.

The minister addressed to me a note on the subject dated the 12th ultimo (a copy of which is inclosed herewith), wherein he informed me that my construction of our consular convention of 1871 with his Government had met the entire approval of the Austria-Hungarian Government, but requested of me a confidential statement of the correspondence which had taken place between myself and Sir Harry S. Parkes, late Her Britannic Majesty's minister at this court, in relation to naval seaman of foreign nativity in the service of the United States (to which I made reference in my conversation with Count Zaluski), and also requested my reasons for holding as I did in said conversation that a deserting seaman from our naval service in Japan was not entitled to relief through our consuls after desertion from our service.

On the 31st ultimo I made reply to Count Zaluski's letter, a copy of which reply I have the honor to inclose herewith. You will please observe that in my reply I informed the count that the case to which I had reference in my conversation with him was that of Peter McCondrill, a native of England, who, having enlisted in our naval service as a seaman on the U. S. S. Lackawanna, on the 10th of November, 1874, when on shore at Yokohama committed an offense against the peace, and was tried therefor in the British court at that port, to which action of the British court I took exception on the 15th December, 1874, and that my action in the premises having been reported by me to my Government had been approved by my own Government, and that the same views as expressed by me as to naval seamen had subsequently been adopted by the Government of Great Britain, as per instructions given me by the Department in 1875.

For the views herein referred to as having been expressed by me in McCondrill's case and having been approved by the Department, I beg to refer you to my No. 204, dated March 20, 1875, respecting the case of McCondrill and my action therein, and my views in relation thereto; also, to Department instruction to me, No. 144, dated June 5, 1875, approving the general ground assumed by me in my correspondence with Sir Harry S. Parkes in the case of McCondrill; also to Department instruction to me, dated November 2, 1875, marked "separate," wherein as to United States naval seamen committing offenses on shore in China and Japan, I was instructed that jurisdiction belongs to the courts of the country under whose flag the offender is serving, adding that the Government of Great Britain, entertaining these views, had lately issued instructions to its authorities in China, Japan, and Siam, to abstain from interference with British subjects serving on United States or other foreign men-of-war. I would also refer you to paragraph 259 of United States Consular Regulations for 1881, which provides that no relief is authorized to be granted by our consuls to destitute American seamen discharged or deserting from naval vessels of the United States, and that expenditures for such relief should not be allowed if found in the consular accounts, and by paragraph (*ib.*) 263 it is declared that care should be taken that the provisions for the "relief of destitute seamen should not be allowed to operate as an inducement to desertion." In this connection allow me to add that inasmuch as in my No. 204 in McCondrill's case, as also in my No. 1124, dated May 22, 1880, No. 1127,

dated June 1, 1880, No. 1134, dated June 16, 1880, in the case of Ross, a merchant seaman of the United States, I expressed the opinion that the jurisdiction was exclusive when within Japan or its territorial waters, in all cases affecting merchant seamen of the United States, of whatever nationality, as well as naval seamen. It gives me pleasure to note that by Department circular instruction, addressed to me under date of June 1, 1881, section 99 of the Consular Instructions was amended as follows:

In China and Japan the judicial authority of the consuls of the United States will be considered as extending to all persons duly shipped or enrolled upon the articles of any merchant vessels of the United States, whatever be the nationality of such person. And all offenses which would be justiciable by the consular courts of the United States, where the persons so offending are native-born or naturalized citizens of the United States employed in the merchant service thereof, are equally justiciable by the same consular courts in the case of seamen of foreign nativity.

In view of the long contention in the Ross case, &c., I deem of the first importance that our exclusive jurisdiction over all our seamen while in this Empire shall be maintained so long as the extraterritorial power granted by our existing treaties with Japan shall be retained by our Government.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 2013.]

Count Zaluski to Mr. Bingham.

TOKIO, January 12, 1885.

MY DEAR COLLEAGUE: Towards the beginning of September last year I had the honor to communicate orally to your excellency a report of the Austro-Hungarian Consul at Nagasaki, concerning a subject of his Imperial and Royal Apostolic Majesty, a seaman named Edward Sabagalia, who had deserted from the American ship *Alert*. I took then the liberty to ask your excellency if, no steps having been taken by the captain of the *Alert* for bringing the man back on board the American vessel, the burthen of relieving him in his destitute condition in a foreign country was not to fall upon the United States exchequer.

The answer your excellency kindly gave me expressed the opinion that article 12 of the consular convention between the United States of America and the Austro-Hungarian monarchy, mentioning only the territories of the contracting powers, their reciprocally assumed obligations respecting deserters should not be extended to the extraterritoriality enjoyed by their diplomatic or consular representatives. Your excellency added that a similar case had been decided upon the same point of view some years ago between the American and the British legations at Tokio.

My Government, who entirely approve of your excellency's opinion, is deeply interested in the theoretical part of this international question, and anxious to procure some closer information about the precedent hinted at by your excellency. May I then venture to request you, therefore, my dear colleague, to favor me with a confidential communication of your correspondence with Sir Harry Parkes on the above-mentioned subject, or at least with an extract of it sufficient to elucidate the question of principle?

In anticipating an obliging response, I offer your excellency my sincerest thanks together with the assurances of my highest consideration.

C. P. ZALUSKI.

[Inclosure No. 2 in No. 2013.]

Mr. Bingham to Count Zaluski.

UNITED STATES LEGATION,
Tokio, Japan, January 30, 1885.

MY DEAR COLLEAGUE: I avail myself of the earliest day possible to reply to your kind note of the 12th instant, wherein you invite my attention to a report of the Austro-Hungarian consul at Nagasaki, concerning a naval seaman named Edward

Sabagalia, who lately deserted, as your excellency informs me, from the United States naval vessel *Alert*. It gives me pleasure to note that you inform me that your excellency's Government entirely approves the views expressed by me in conversation with you in relation to the construction of article 12 of the convention of the United States of America and the Austro-Hungarian monarchy the ratifications of which were exchanged June 26, 1871, and which views so expressed by me were to the effect that the reciprocal obligations by said convention imposed, respecting sailors belonging to the vessels of either of the high contracting powers, who may be guilty of having deserted upon the respective territories thereof, do not extend to or include desertion by sailors from the respective vessels of either of said powers, which occur within the territorial dominion of foreign states.

You further request that I should favor you with a confidential communication of the correspondence which occurred between myself and Sir Harry S. Parkes, late her Britannic Majesty's minister in Japan, on the subject of the exclusive jurisdiction of the United States over foreign seamen, enlisted and doing duty as such seamen in the naval service of the United States, when within the territory of Japan.

The exclusive jurisdiction of the United States over such naval seamen enlisted in the United States service, when within Japanese territory, rests upon the treaty grants of his Imperial Japanese Majesty to the Government of the United States, from which it results that such seamen, during their service, are not only subject to all United States laws regulating their duties as such seamen, but liable to all penalties and forfeitures prescribed for offenses by them committed, either on board the United States vessel to which they belong, or on shore when within this Empire or the territorial waters thereof, and of necessity are justiciable for all such offenses only in the United States tribunals. The case to which I casually referred in my conversation with you as having been the subject of some correspondence between Sir Harry S. Parkes and myself, was briefly this:

One Peter McCondrill, a native of England, was duly shipped as a United States naval seaman on the U. S. S. *Lackawanna* for a term of service. While still in our service, on the 10th of November, 1874, he went on shore at Yokohama and committed an offense against the peace, for which he was arrested and taken before the honorable Mr. Goodwin, judge of her Britannic Majesty's court in Japan, and was tried, convicted, and fined in said court. On the 15th December, 1874, I brought the matter to the attention of Sir Harry S. Parkes by a note of that date, protesting that the jurisdiction over McCondrill was exclusively in the United States courts in Japan, to which Sir Harry kindly replied on the 19th December, 1874, and also furnished me with a written opinion of Judge Goodwin on the question.

In his reply of 19th December, 1874, Sir Harry says that the United States consul-general at Yokohama, before whom McCondrill was brought, "disclaimed jurisdiction over him and sent him to the British court"; that "Mr. Goodwin had neither sought nor claimed jurisdiction over Peter McCondrill, but the latter having been sent to him by the United States consul-general as a British subject, Mr. Goodwin dealt with him."

I may add, that Judge Goodwin, in his opinion above mentioned, placed his action in McCondrill's case upon the ground "that General Van Buren (United States consul-general) declined to take cognizance of the charge, and directed him (McCondrill) to be brought to the British court."

Having reported this case to my Government, my views were approved, and I was instructed that our tribunals in Japan had exclusive jurisdiction over all foreign-born naval seamen of the United States for offenses committed by them in Japan, either on shore or on board the United States naval vessels when in Japanese waters. I may add, that I am further instructed that her Britannic Majesty's Government was of the same opinion, and had in 1875 issued instructions to that effect to its authorities in China, Japan, &c.

For your information I beg leave to say that, by the laws of the United States, desertion by a United States seaman is an offense punishable by imprisonment, forfeiture of his effects left on board, and of all or any part of his wages and emoluments which such deserter had then earned; and, finally, it is expressly provided by our consular regulations (259) that no relief is authorized to be granted to seamen, whether citizens of the United States, or foreigners, who desert from the naval vessels and naval service of the United States. It is but reasonable, in my opinion, that deserters from the naval service of any country should not be allowed to demand or receive relief from the Government from whose service they have unlawfully deserted.

Be assured, my dear colleague, of my sincere respect, and of my highest consideration.

JOHN A. BINGHAM.

No. 402.

Mr. Bingham to Mr. Frelinghuysen.

No. 2022.]

LEGATION OF THE UNITED STATES,
Tokio, Japan, February 28, 1885. (Received March 30.)

SIR: I beg leave to acquaint you that his excellency Count Ito, a member of the imperial council, has been appointed by His Majesty the Emperor of Japan to be ambassador to China, with full powers to negotiate and conclude a settlement with his Imperial Chinese Majesty in the matter of the action of the Chinese troops against Japanese subjects in the recent riot in Corea.

Count Ito sets out for his post of duty by this day's steamer. His excellency called upon me yesterday and conversed freely with me on the subject of his mission to China. Impressed with the importance of an amicable settlement of the pending question between the two countries, I ventured to say to Mr. Ito that in the general interests of Japan, and the commercial interests of the United States as well, a war between China and Japan should not be inaugurated, if it can possibly be avoided, and that it seemed to me altogether probable that a peaceful settlement of the difficulties between the two powers could easily be reached if China and Japan would agree to withdraw their military forces from Corea, and recognize the rightful and exclusive autonomy of the Government of Corea within its territorial domain.

Mr. Ito, it gives me pleasure to say, concurred in the views thus expressed by me, and indicated a purpose to seek a settlement with China on that basis.

In conversation on the 26th instant with the Chinese minister at this court, in reply to an inquiry made by him of me touching the proposed mission of Count Ito, and the present strained relations between China and Japan, I expressed the opinion that the Chinese Government should accept any reasonable proposition of Japan and restore friendly relations between China and Japan.

His excellency expressed himself as exceedingly desirous that an amicable and satisfactory settlement might speedily be arrived at. I am assured that Japan will only insist upon what is just and reasonable in the premises, and I am not without hope that China will concede to Japan all that can reasonably be demanded.

I have verbally in a recent interview expressed to His Majesty the Emperor of Japan, the hope that His Majesty's Empire may be peace. I cannot allow myself to doubt that His Majesty sincerely desires to maintain peace with China by all honorable and peaceable means, and clearly recognizes the obligation of all nations to first fairly and honestly employ and exhaust all peaceable methods to redress national wrongs and settle national grievances before resorting to the arbitrament of war.

I have, &c.,

JNO. A. BINGHAM.

No. 403.

Mr. Bingham to Mr. Bayard.

No. 2047.]

LEGATION OF THE UNITED STATES,
Tokio, Japan, April 27, 1885. (Received May 25.)

SIR: Referring to instruction No. 887, dated February 11 last, and also to its inclosure, in relation to the action taken by the President touching the offer of this Government of a gift of land to the United

States for legation purposes, I beg leave to inclose herewith copies of two notes addressed by me to his excellency Count Inouye Kaoru, his Imperial Japanese Majesty's minister for foreign affairs, wherein I apprised him of the President's action in the premises.

I have the honor to also inclose a translated copy of the reply, under date the 25th instant, which Count Inouye has been pleased to make to my two notes, in which, among other things, the minister says that His Majesty's Government "still entertain the desire" to make the gift of land heretofore proposed, and are prepared "upon receiving an intimation that the Government of the United States will accept the offer, to formally proffer to the United States a suitable lot of land in this city (Tokio) for legation purposes."

Respectfully submitted for your consideration.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 2047]

Mr. Bingham to Count Inouye Kaoru.

LEGATION OF THE UNITED STATES,
Tokio, Japan, March 28, 1885.

SIR: Having been verbally notified on the 20th of December last by your excellency, through your secretary, Mr. Stevens, that his Imperial Japanese Majesty's Government desired, in token of their friendship for the United States, to make a gift in perpetuity to the United States of America of 5 acres or more of land for legation purposes, in the central part of this city and near to the new imperial palace now being erected, I now beg leave to acquaint you that, on the 22d of December last, I telegraphed, as suggested, to my Government this kind and generous proposition of His Majesty's Government, and also communicated the same to our Government by written dispatch of that date, and that in reply thereto I received, on the 13th of January, 1885, from my Government a telegraphic instruction, dated January 12 last, stating that this proposition had been, or would be, "submitted to Congress by the President with a recommendation that it be accepted, &c.," of which I verbally apprised you. I now have the pleasure to inform you that by the last mail I received a copy of the National Republican, dated the 6th ultimo, in which is published a notice of the President's message on this subject (a copy of which notice is herewith inclosed), wherein it appears that the President, by a message to Congress on the 5th ultimo, earnestly recommended that the Executive "be immediately authorized to accept the proposed gift in the name of the United States, and to tender to his Imperial Japanese Majesty's Government a suitable expression of the United States Government's thanks for the generosity which prompted the proffer so kindly made."

I am not yet advised of any action taken by Congress upon the President's recommendation, but hope and believe that if the action asked for by the President has not yet been taken it will be taken in the near future, and therefore hope it may be the pleasure of his Imperial Japanese Majesty's Government to acquaint me, through your excellency, that this generous proffer of land for a United States legation still remains to be acted upon by the Congress and to be accepted by the Government of the United States.

I avail myself, &c.,

JNO. A. BINGHAM.

[Inclosure 2 in No. 2047.]

Mr. Bingham to Count Inouye Kaoru.

LEGATION OF THE UNITED STATES,
Tokio, Japan, April 21, 1885.

SIR: On the 26th ultimo I had the honor to address to your excellency a note inclosing a newspaper notice of the President's communication to the Congress of the United States in relation to the generous offer made by you, through me, to give in perpetuity to my Government a piece of land in Tokio for legation purposes. Having

now received an official communication on the subject, inclosing the full text of the President's message to the Congress, dated the 5th of February last and also the official letter of the honorable Secretary of State to the President on the same subject, I beg to inclose herewith, for your excellency's information, a copy of said papers, as published in Executive Document No. 187 of second session of the Forty-eighth Congress of the United States.

It gives me pleasure to invite your attention to the words of the President expressive of his high appreciation of the generous proposition of his Imperial Japanese Majesty's Government.

Accept, &c.,

JNO. A. BINGHAM.

[Inclosure 3 in No. 2047.—Translation.]

Count Inouye Kaoru to Mr. Bingham.

FOREIGN OFFICE, TOKIO, *April 25, 1885.*

SIR: I have the honor to acknowledge the receipt of your excellency's two communications, dated respectively the 28th ultimo and the 21st instant, and having relation to the verbal intimation which I caused to be given to you, that his Imperial Majesty's Government were disposed to offer to the United States Government a lot of land to be used for legation purposes; and also having relation to the request which I instructed my private secretary to make on the same occasion, that your excellency would do me the favor to ascertain whether such a proffer as that indicated, if formally made on behalf of his Imperial Majesty's Government, would be accepted by the Government of the United States.

Your excellency now informs me that the proposition in question was submitted to the Congress of the United States by the President on the 5th February last, with the recommendation "that the Executive be immediately authorized to accept the gift in the name of the United States, and tender to His Majesty's Government a suitable expression of this Government's thanks for the generosity which prompted the presentation of so desirable a site of ground." Although your excellency is not yet advised of any action taken by the Congress with reference to the President's recommendation, you express the hope and belief that such action, if not already accomplished, will be taken in the near future. Noting with pleasure the kind expressions employed by the President and the honorable the Secretary of State in regard to the motives which have actuated his Imperial Majesty's Government in expressing their desire to pursue the course indicated, I beg to assure your excellency that my Government still entertain that desire and are prepared, upon receiving an intimation from your excellency that the Government of the United States will accept the offer, to formally proffer to the United States a suitable lot of land in this city for legation purposes.

I avail myself, &c.,

COUNT INOUE KAORU.

No. 404.

Mr. Bayard to Mr. Bingham.

No. 911.]

DEPARTMENT OF STATE,
Washington, April 30, 1885.

SIR: I herewith inclose a dispatch from the chargé d'affaires *ad interim* of the United States at Seoul, of the 1st ultimo, No. 150, saying that the commander of the Japanese forces in Corea promptly detailed a guard of his troops to protect the United States legation there during a serious conflagration on the night of February 23d last. Mr. Foulk has, it appears, expressed his thanks for and appreciation of this courteous act to the Japanese representative at Seoul. But I desire you to supplement Mr. Foulk's action by a formal note to the Japanese Government, conveying an expression of the sincere and grateful thanks of the United States for this signal and friendly service.

I am, &c.,

T. F. BAYARD.

No. 405.

Mr. Bingham to Mr. Bayard.

No. 2056.]

LEGATION OF THE UNITED STATES,
Tokio, Japan, May 30, 1885. (Received June 30.)

SIR: Adverting to your instruction No. 911, dated the 30th of April last, inclosing copy of a letter of the chargé d'affaires of the United States at Seoul, dated the 1st of March last, in relation to the recent fire at Seoul and the kindly action taken on that occasion by the commander of the Japanese forces in Corea for the protection of the United States legation, I have the honor to inform you that, in accordance with said instruction, I addressed a note, dated the 29th instant, to his excellency Count Inouye, his Imperial Japanese Majesty's minister for foreign affairs (a copy of which is herewith inclosed), wherein I acquainted him that, by your direction, I conveyed to his Imperial Japanese Majesty's Government an expression of the sincere and grateful thanks of the Government of the United States for the signal and friendly service thus rendered by His Imperial Majesty's troops.

I have, &c.,

JNO. A. BINGHAM.

No. 406.

Mr. Bingham to Mr. Bayard.

No. 2058.]

LEGATION OF THE UNITED STATES,
Tokio, Japan, June 1, 1885. (Received June 30.)

SIR: Herewith I have the honor to inclose for your information duplicate copies of the Japanese-Chinese convention, lately concluded between the two powers, as published in the Japan Daily Mail of the 29th ultimo, together with a copy as therein printed of the official notification of said convention issued by the prime minister and the foreign minister of His Imperial Japanese Majesty, and also of the dispatch of his excellency Li.

It would seem from the terms of this convention that neither China nor Japan can hereafter claim any colorable authority over the rightful sovereignty of the Korean Government.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 2058.]

The Japanese-Chinese convention.

NOTIFICATION NO. 3 OF THE DEPARTMENT FOR FOREIGN AFFAIRS.

It is hereby notified that, with reference to the complication between Japan and China, which occurred in connection with the disturbance at Seoul in December, last year, [we] have carried out negotiations with the Chinese Government, and have brought the question to settlement by concluding the following convention and receiving a communication.

PRINCE SANJO SANEYOSHI,
Prime Minister.
COUNT INOUE KAORU,
Minister for Foreign Affairs.

MAY 27, 1885.

CONVENTION.

Ito, ambassador extraordinary of the great Empire of Japan, minister of state and of the Imperial household, first class of the Order of the Rising Sun, and count of the Empire.

Li, special plenipotentiary of the great Empire of China, grand guardian of the heir apparent, senior grand secretary of state, superintendent of the North Sea trade, president of the board of war, viceroy of Cni-Li, and count Shinn-ki of the first rank.

In obedience to the decrees which each of them respectively is bound to obey, after conference held, have agreed upon a convention, with a view to preserving and promoting friendly relations (between the two great Empires), the articles of which are set down in order as follows:

It is hereby agreed that China shall withdraw her troops now stationed in Corea, and that Japan shall withdraw hers stationed therein for the protection of her legation. The specific term for effecting the same shall be four months, commencing from the date of the signing and sealing of this convention, within which term they shall respectively accomplish the withdrawal of the whole number of each of their troops, in order to avoid effectively any complications between the respective countries.

The Chinese troops shall embark from Masan-Po, and the Japanese from the port of Ninsen.

The said respective powers mutually agree to invite the King of Corea to instruct and drill a sufficient armed force, that she may herself assure her public security, and to invite him to engage into his service an officer or officers from amongst those of a third power, who shall be entrusted with the instruction of the said force.

The respective powers also bind themselves, each to the other, henceforth not to send any of their own officers to Korea for the purpose of giving said instruction.

In case any disturbance of a grave nature occurring in Corea, which necessitates the respective countries, or either of them, to send troops to Corea, it is hereby understood that they shall give, each to the other, previous notice in writing of their intention so to do, and that after the matter is settled they shall withdraw their troops and not further station them there.

Signed and sealed this 18th day of the fourth month of the eighteenth year of Meiji (Japanese calendar), the 4th day of the third moon of the eleventh year of Kocho (Chinese calendar).

ITO,
Ambassador Extraordinary of the Great Empire of Japan, &c.
LI,
Special Plenipotentiary of the Great Empire of China, &c.

[Inclosure 2 in No. 2058.]

THE OFFICIAL DISPATCH.

I, Li, special plenipotentiary of the great Empire of China, grand guardian of the heir apparent, senior grand secretary of state, superintendent of the North Sea trade, president of the board of war, viceroy of Cni Li, and count Shinn-ki of the first rank, have the honor to make the following communication:

As regards the fighting which took place between our respective Imperial troops at the palace of the King of Corea, on the occasion of the disturbance in the capital of Corea, in the last tenth month, it was an affair that occurred entirely remote from the conception of the respective Governments, one for which I cannot but express the sentiments of my deepest regret. Holding in great importance the friendly relations happily existing from olden times between the respective countries, I have to say our Imperial troops failed, at the last, to preserve carefulness in their course of action, though they were unavoidably forced, by the crisis of the time, into fighting.

I shall, therefore, undertake myself to issue an official dispatch reprimanding them.

As to the deposition of the wife of Honda Shiunoske, a Japanese subject, and to those of others that your excellency has forwarded to me, I find in them on perusal that in the Corean capital Chinese soldiers broke into houses of Japanese, stole property, and took the lives of Japanese subjects. I have not at hand any substantial evidence on our side, and shall, therefore, dispatch an official to investigate the matter and obtain all the evidence bearing on the point in question.

Should I find proof that any soldier of any of our camps was in the streets on that day creating trouble and murdering and robbing Japanese subjects, I shall not fail to inflict upon the offender severe punishment according to the military laws of the Chinese Empire.

The above I beg to bring to your excellency's attention.

4th day of the third moon of the eleventh day of Kocho.

[SEAL.]

To his excellency Count Ito,
Ambassador extraordinary, &c.

No. 407.

Mr. Bingham to Mr. Bayard.

No. 2064.]

LEGATION OF THE UNITED STATES,
Tokio, Japan, June 9, 1885. (Received July 13.)

SIR: Referring to my No. 2056, dated the 30th ultimo, wherewith I had the honor to inclose a copy of my note to his excellency Count Inouye, dated the 29th ultimo, conveying, in pursuance of your instruction, an expression of the thanks of our Government to that of Japan for the timely service rendered by His Majesty's troops at Seoul in February last, I now have the pleasure to inclose herewith a translated copy of Count Inouye's reply thereto, dated the 8th instant.

I have, &c.,

JNO. A. BINGHAM.

No. 408.

Mr. Hubbard to Mr. Bayard.

No. 42.]

LEGATION OF THE UNITED STATES,
Tokio, Japan, September 24, 1885. (Received October 30.)

SIR: I have the honor to transmit herewith, for the information of the United States Government, a translation (by the interpreter of this legation) of the official statement of the finance department of the Japanese Government, published in the "Official Gazette," No. 670, of date September 22, 1885, relating to the national debt in outstanding bonds.

It will be observed from this statement that the present bonded indebtedness of Japan is 229,002,960 yen, which at the present value of the yen is equivalent to \$229,002,960 in silver dollars. The average rate of interest on these bonds is about 7 per cent., payable semi-annually. Of this amount, the interest on 168,897,000 yen is payable in gold, and these last-named bonds are styled "gold salary bonds." The remainder of the national bonds are payable in "kinsatsu," or the paper currency of the Empire.

In this connection, I have to state upon unofficial information received that the Japanese Government are endeavoring to negotiate a new loan in London, where the financial agent is now, of \$10,000,000, to be used, it is said, in the speedy completion of a railway system already begun, and in the inauguration of new lines, connecting the interior with the coast. Such a consummation, it is believed, will largely increase the agricultural and manufactured products as well as commerce of this people (both as to imports and exports) with other countries.

I have, &c.,

RICHARD B. HUBBARD.

[Inclosure in No. 42.]

Amount of national public loan bonds of Japan outstanding August 31, 1885.

[Translation from the official statement of the finance department as published in the Official Gazette, No. 670, of date September 22, 1885.]

	Yen.
New public loan bonds issued 1872.....	10,652,850
Old public loan bonds issued 1872.....	10,972,725
Public loan bonds payable in kinsatsu:*	
Issued 1873	1,147,950
Issued 1874	511,100
Issued 1880	2,843,000
Issued 1881	597,050
Issued 1882	415,400
Issued 1883	372,550
Capitalized pension bonds:	
Issued 1874	100
Issued 1875	6,650
Issued 1876	
Five per cent. gold pension bonds, 1877.....	30,925,115
Six per cent. gold pension bonds, 1877.....	24,616,600
Seven per cent. gold pension bonds, 1877.....	106,578,945
Ten per cent. gold pension bonds, 1877.....	6,576,350
Ten per cent. gold pension bonds, 1879	200,000
Pension bonds granted to Shintu temples, 1878.....	115,975
Industrial loan bonds, 1878.....	11,009,000
Nakasendo railway bonds, 1884.....	15,000,000
Unregistered kinsatsu bonds, 1884.....	1,414,600
Unregistered kinsatsu bonds, 1884	47,160
Nakasendo railway bonds, 1884.....	5,000,000
Total.....	229,002,960

Correct translation.

W. N. WHITNEY, *Interpreter.*

No. 409.

Mr. Hubbard to Mr. Bayard.

[Extract.]

No. 47.]

LEGATION OF THE UNITED STATES,
Tokio, Japan, October 2, 1885. (Received October 30.)

SIR: I have the honor to call your attention to the correspondence on the subject of a proposed gift in perpetuity by the Japanese Government of certain lands in Tokio to the United States Government, to be used for United States legation purposes in Japan.

* * * * *

This offer of the Japanese Government is still a standing offer, and awaits the action of our Government. I know that this proposition is made in earnest good faith, and that this Government anxiously desires to have the United States accept the tender.

It may be well to remark in this connection that all the other treaty powers have accepted long ago similar gifts of land from Japan, and have erected legations, court-houses, jails, and residences for their ministers and staffs.

* * * * *

I have, &c.,

RICHARD B. HUBBARD.

* Kinsatsu = paper currency.

No. 410.

Mr. Bayard to Mr. Hubbard.

No. 27.]

DEPARTMENT OF STATE,
Washington, November 11, 1885.

SIR: I have had the pleasure to receive your No. 47, of the 2d ultimo, forwarding copies of previous correspondence respecting the proposed property gift by Japan to the United States for legation purposes, and desire to commend your presentation of the history of this gift in such convenient form. The high international character of Japan's courteous and friendly act and the treatment of the matter heretofore by the Executive make it proper to renew the suggestion previously made to Congress, looking to the acceptance of the gift and the erection of suitable buildings by the United States. This will accordingly be done at the approaching session.

I am, &c.,

T. F. BAYARD.

CORRESPONDENCE WITH THE LEGATION OF JAPAN AT
WASHINGTON.

No. 411.

*Mr. Kuki to Mr. Frelinghuysen.*LEGATION OF JAPAN,
Washington, January 9, 1885. (Received January 9.)

Mr. Kuki, the Japanese minister, is glad to be able to announce that His Majesty the Emperor of Japan, taking into consideration the extraordinary expenditures made by the Korean Government in connection with the establishment of foreign intercourse, has been pleased to waive his right to exact the payment of the unpaid balance of \$400,000 of the indemnity of \$500,000 which the Korean Government covenanted to pay to Japan in settlement of the damages caused by the *émeute* at Seoul in 1882.

No. 412.

Mr. Kuki to Mr. Frelinghuysen.

[Translation.]

LEGATION OF JAPAN,
Washington, March 2, 1885. (Received March 2.)

SIR: During the disturbance at Seoul, Corea, in December last, several Japanese subjects, who had in vain been seeking safety in different places from the violence of the mob, took refuge in the United States legation. A number of other Japanese who had been taken prisoners by the Chinese troops were released at the instance of the United States minister, and were likewise afforded asylum and protection at

the United States legation. Thus twelve Japanese subjects of both sexes were succored by General Foote, and during the time they were inmates of the legation he and Mrs. Foote were untiring in their efforts to make their condition more comfortable.

Finally, having obtained assurances from the Chinese and Korean officials that the refugees would not be harmed, General Foote provided an escort, composed of Chinese and Korean troops, under the command of Mr. Barnadon, naval attaché to the legation, and sent them, together with four soldiers, who had been detailed by the Japanese minister to guard the United States and British legations, to Chemulpo, where they arrived in safety.

"These Japanese," the official Japanese report of the *émeute* declares, "owe their lives and safety entirely to the humane and zealous efforts of the American minister."

Those efforts on the part of the United States representative in behalf of my defenseless countrymen, efforts which greatly increased his own danger and rendered his position insecure, have awakened throughout Japan a feeling of deep gratitude to General Foote, and I have been instructed by His Imperial Majesty's Government to bring them to your attention, and through you to tender to General Foote their profound thanks for his brave and humane conduct on the occasion referred to.

Permit me, sir, in fulfilling this agreeable duty, to add, that acts such as I have recounted not only reflect the high character of the person who performs them, but they tend directly to draw closer the bonds of friendship and good-will which happily exist between our respective countries, because they demonstrate that deeds of generous bravery overstep the bounds of national limits.

I avail myself, &c.,

KUKI RINICHI.

No. 413.

Mr. Bayard to Mr. Kuki.

DEPARTMENT OF STATE,
Washington, March 9, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant, conveying an expression of the thanks of the Japanese Government to Mr. Lucius H. Foote, United States minister to Corea, for his brave and humane conduct to a party of Japanese subjects during the disturbances at Seoul.

The President is much gratified at the profound recognition of Mr. Foote's efforts by his Imperial Japanese Majesty's Government, and bids me say that Mr. Foote (to whom I shall take pleasure in communicating a copy of your note) cannot but be well pleased at the warm expressions of approval of his services by His Majesty.

I shall also transmit copies of your note to the United States ministers in China and Japan, and to the chairman of the Committee on Foreign Relations of the United States Senate for their information.

Accept, &c.,

T. F. BAYARD.

MEXICO.

No. 414.

Mr. Morgan to Mr. Frelinghuysen.

No. 905.]

LEGATION OF THE UNITED STATES,
Mexico, September 24, 1884. (Received October 4.)

SIR: In regard to Thomas R. Monahan, a citizen of the United States, imprisoned at Toluca, I inclose herewith a translation of a note addressed to me by Señor Fernandez, of the 19th instant (received to-day), together with a translation of the document therein mentioned, both referring to the subject now under consideration.

Señor Fernandez informs me that as it does not appear on the register of the department for foreign affairs that Mr. Monahan has been matriculated as a citizen of the United States, the ulterior official intervention of this legation in his behalf would not be admitted.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 905.—Translation.]

*Señor Fernandez to Mr. Morgan.*DEPARTMENT FOR FOREIGN AFFAIRS,
Mexico, September 19, 1884.

The department of justice has transmitted to the one under my charge, under date of the 9th instant, a communication from the judge of the district of the State of Mexico, in which the said functionary replies to the charges made against him, referring to the imprisonment of Mr. Thomas Monahan at Toluca. I have the honor to transmit herewith a copy of the document to which I refer. It not appearing in the register of this department that the said Monahan is matriculated as a citizen of the United States of America, I have to inform you, although with respect, that this fact prevents my accepting officially the ulterior intervention of your legation in the case under consideration.

Accept, &c.,

JOSÉ FERNANDEZ.

[Inclosure in inclosure in No. 905.—Translation.]

The citizen judge of the district of the State of Mexico, under date of the 4th instant, informs me as follows:

"I have received the note, under date of the 31st of last August, from the department under your worthy charge, in which you transmit a communication addressed to you by the department for foreign affairs, requesting that you ask me for information relating to several acts connected with the imprisonment of Thomas Monahan, upon which, as also upon various motives of complaint expressed with regard to the process which has been instituted against the said accused, the minister of the United States of America has called the attention of the said department for foreign affairs, asking that a judgment be rendered in the case. In reply, I have the honor to inform you that in the first hours of the morning of the 1st of July of the present year, at some distance from the station of Los Angeles, on the Central Railroad, in the territory of the State of Mexico, there was a collision between the trains marked Nos. 1 and 2, which resulted in the death of the fireman, Michael Slatten, who was working on the first-named train.

"Afterwards Thomas Monahan, engineer of the same, was arrested and placed at the disposition of the fifth correctional court of the capital of the Republic, which authority, in accordance with the law, instituted the first proceedings, declaring the party detained a lawful prisoner under the terms established by the federal constitution, and afterwards, in view of the place in which the accident had occurred, ordered that the prisoner should be transferred to this city and placed there at my disposition, through the first political authorities of either capital, which was done, without its appearing from the proceedings, which were likewise forwarded to me,

any data from which it would appear that a judge had observed to the prisoner that, notwithstanding that the proceedings had proved his innocence, it was necessary on the part of the same judge to transfer the said Monahan into the hands of the authorities of Toluca.

"Moreover, in the proceedings which were instituted against the said engineer, there is no proof from which it would appear that he had procured the communication of the proceedings or documents which were of importance to him, from which appears the inexactness of the persons who were the informants of the American minister. Neither is there any foundation of any kind for the statement which, has been said, emanated from me, that Mr. Monahan was detained at the instance of the lawyers of the Central Railroad Company. And although the minister asserts (these are his words) that, after arrest, the prisoner is under the authority of the officers of the Government, and that he is not to be kept in prison at the will or caprice of the lawyer of a private corporation, and in order to shield, if possible, another officer of that corporation, I comply with the dignity of the office under my charge, and my conscience as an honorable man, to protest energetically, which I now do, against the imputation which has now been made against me, even though it was based only on a supposition.

"The fact is that Monahan has been kept in jail without the intervention of foreign influence of any kind, because he was being proceeded against for a crime which, according to our laws, is punished with corporal punishment, as it is homicide caused through fault, and it is not easy for me, in view of the proof of the proceeding, to order in any manner his liberation. It may happen that he will be able to establish his innocence in the course of the proceedings, and that he will be, consequently, acquitted; or, on the other hand, that his culpability be legally proved, in which case he would be sentenced to undergo the punishment due to his offense. But, for the present, nothing can be predicted in the matter. I can only say that, in any event, I shall respect the guarantees that, in treating of a criminal case, the federal constitution concedes, not only to Mexican citizens, but to everybody; and, lastly, convinced as I am of the rectitude that inspires my proceedings, I tranquilly await the revision of these, a revision entrusted by law to the magistrate of the circuit, and, should further responsibility be incurred, to the supreme court of justice of the nation.

"To the keen penetration of the functionary I have the honor of addressing, it will be evident that it is not possible for me to be more explicit in the present communication, because, to be so, I would be putting myself in danger of anticipating judgment, which is prohibited by the law."

And I have the honor to transmit it to you for your knowledge and in reply to your letter.

Liberty and constitution.

September 9, 1884.

J. N. GARCIA,
Official Mayor.

No. 415.

Mr. Frelinghuysen to Mr. Morgan.

No. 698.]

DEPARTMENT OF STATE,
Washington, December 20, 1884.

SIR: I am in receipt of your telegram of the 17th instant to the effect that your official diplomatic intervention in behalf of Monahan, had, on the ground that he is not matriculated, been refused by the Mexican Government.

This telegram is assumed to be in response to the Department's instruction, instructing you to present evidence of Monahan's citizenship. The object was to place on record in that case, as in any other of the same character which may arise, our official non-acceptance of the Mexican doctrine of matriculation.

There is perhaps in the relations of the two countries no one subject upon which an accord is more necessary than this of the right of the citizens of the one country in the territory of the other to the protection of their own Government. The Mexican law of matriculation seeks to impair this inalienable duty of protection by making its exercise de-

pend upon a domestic law of one of the parties. We hold, in broad terms, that it is not within the scope of municipal legislation to impair the relation of an alien toward his own Government, or to impair the international right of his Government, as one among equals in the community of states, to intervene with another Government to secure him justice.

It is desired that you submit to the Department a report on this subject, which may be laid before Congress. This report should show—

(1) The provisions of the Mexican matriculation law.

(2) Whether applicable to transient sojourners, travelers, officers and crews of vessels, and the like, who have no purpose or opportunity of sojourn.

(3) What rights as a foreigner are established by the fact of matriculation.

(4) What rights are denied in the event of non-matriculation.

(5) Whether the Mexican law denies the validity of any evidence of alien status save that presented by the certificate of matriculation; if not—

(6) What evidence of citizenship may be presented to establish the fact of alienage.

(7) A list of the cases in which, on proof of citizenship according to the laws of the United States, diplomatic intervention has been rejected because of non-matriculation.

In addition to this, your report may embrace any other pertinent consideration suggested by your familiarity with the subject.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 416.

Mr. Morgan to Mr. Frelinghuysen.

No. 960.]

LEGATION OF THE UNITED STATES,
Mexico, January 1, 1885. (Received January 9.)

SIR: Yesterday Mr. Thomas R. Monahan called at the legation. He informed me that a few days ago the judge of the federal court at Toluca sent for him and informed him that he had been "honorably acquitted," and was therefore discharged. He also stated that the judge had exacted a promise from him to appear in case the supreme court should reverse the judgment. He was not tried but simply discharged, he says.

I am, &c.,

P. H. MORGAN.

No. 417.

Mr. Morgan to Mr. Frelinghuysen.

[Extract.]

No. 962.]

LEGATION OF THE UNITED STATES,
Mexico, January 12, 1885. (Received January 21).

SIR: Complying with the instructions contained in your No. 698, of the 20th of December last, I submit herewith a report upon the subject of the matriculation laws of Mexico in respect of their application to

and effects upon foreigners. In doing so I have followed the suggestion contained in your dispatch in my manner of treating the question.

(1) "The provisions of the Mexican matriculation law."

The law referred to consists of two decrees issued by President Juarez, the first from the city of Mexico, on the 16th of March, 1861, the second from the city of Chihuahua, on the 6th of December, 1866. The text and a translation of both decrees are annexed hereto.

The second decree reforms the first in several particulars, especially by permitting foreigners, although they have not been registered as such, to appear before the tribunals of the country, rotaries, &c. But the provisions of the first decree, in so far as they provide that foreigners who may wish to exercise rights as such shall cause themselves to be enrolled on the register of matriculation and to take out certificates thereof, were declared to remain in force. And to the first decree was added a most important clause, viz, that matriculation produces no retroactive effect. That is, if the fact which gave rise to a demand in behalf of a foreigner existed before he became matriculated, the foreign nationality of the claimant cannot be admitted. * * *

(2) "Whether applicable to transient sojourners, travelers, officers and crews of vessels, and the like, who have no purpose or opportunity of sojourn."

I know no case where the decrees have been invoked against captains of vessels. It was not referred to in the correspondence between this legation and the department for foreign affairs in the case of Captain Metzger of the steamer Newbern, or in the case of Capt. George Caleb of the schooner Adriana, with both of which cases you are familiar. The decrees, however, are general in their scope, and make no exceptions in favor of any class of persons. They evidently, in the opinion of the Mexican Government, apply to travelers (and therefore to sojourners). They were invoked by anticipation, as you will remember, in the case of Mr. and Mrs. Thomas R. Gartrell.*

* * * * *

(3) "What rights as a foreigner are established by the fact of matriculation?"

None that I am aware of beyond those mentioned in the decrees to which I have referred, and the rights of their respective governments after their matriculation to have any intercession presented through diplomatic channels.

(4) "What rights are denied in the event of non-matriculation?"

The right to the official diplomatic intervention of their government in their behalf in case of need. For instance, if a citizen of the United States should be arrested for any cause in Mexico, no diplomatic intervention in his behalf would, under the decrees, be admitted, if he had not previously matriculated at the foreign office. A late example is the case of Thomas R. Monahan. At first the objection that he was not matriculated was not raised; but at last, when I demanded his immediate trial or release, I was informed that my official diplomatic intervention could not be entertained upon the ground that he was not matriculated. It is true that Monahan was subsequently released. How he was released has never been officially communicated to me. He informed me that the judge sent for him and said to him that "he had been honorably acquitted," but that he had had no trial of any kind. He also stated to me that to his discharge it was added that should the supe-

*See Foreign Relations, 1882.

rior court disapprove of the proceedings of the lower court he was to present himself before the tribunal again.

(5) "Whether the Mexican law denies the validity of any evidence of alien status save that presented by the certificate of matriculation. If not—

(6) "What evidence of citizenship may be presented to establish the fact of alienage?"

The want of a certificate of matriculation has been considered sufficient to deny the right of diplomatic intervention, and therefore it appears to me that the decrees, or rather the action of the authorities thereunder, denies the validity of any evidence of alien status other than matriculation, and that none other would be admitted to establish it. I have, however, never had occasion to test this, no case of the kind having ever occurred. You will have observed from the text of the decrees that even a certificate of matriculation is not available to the person in whose behalf it has been issued for any matter which occurred anterior to the date of the certificate of matriculation.

* * * * *

(7) "A list of the cases in which, on proof of citizenship according to the laws of the United States, diplomatic intervention has been rejected because of non-matriculation."

There are no such cases. The citizenship of the parties in whose behalf diplomatic intervention has been attempted has never been questioned. The Mexican Government, in such instances, has only considered it necessary to deny diplomatic intervention on the ground that the party in whose aid it was invoked had not previously been matriculated.

* * * * *

The records of this legation show that since the publication of the Mexican matriculation decrees two hundred and fifty-five citizens of the United States have been matriculated at the foreign office, and of these one hundred and twenty-four have been matriculated since the year 1880. This represents but a fraction of our citizens who are, or who have been during the period stated, in this country. The decrees are municipal regulations, and few of our countrymen coming here know of their existence.

* * * * *

I have never failed, when the opportunity presented itself, of explaining to our fellow-citizens who have called at the legation the Mexican contention upon this subject, and to advise them, in order to avoid any possible difficulty, to comply with the requirements of the decrees. This I have done, not because I have ever entertained the opinion that their right to the intervention of their Government depended upon a compliance on their part with the requirements of the decree in question, but simply as a means of preventing any possible discussion thereon.

The position in which citizens of the United States in Mexico may be placed if the contention of the Mexican Government be admitted is a painful and a difficult one. It would be, under certain circumstances, absolutely impossible for them to obtain, in their direst need, the diplomatic protection of their Government. For instance, suppose (as I have already indicated) one of them were to come into the country provided with a passport from the Department of State, and immediately upon his crossing the frontier he were to be taken possession of and confined in prison, charged with the commission of some offense, or mustered

into the Army; the intervention of this legation would not be accepted in his behalf, because he had not matriculated as a foreigner. For you will have observed that the question of citizenship is not the one with which the Mexican Government concerns itself. It does not look beyond the fact of matriculation, and bases its refusal to admit diplomatic interference on the ground of non-matriculation alone. It is true that in certain instances of imprisonment and impressment into the Army this position has not been taken, but in others it has, notably in the cases of claims made by citizens of the United States, or their heirs, for damages arising from torts committed on them. * * * It is also true that instances have occurred when, notwithstanding the denial of the right of intervention, the intervention has been successful.

* * * * *

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 962.—Translation.]

DEPARTMENT OF STATE AND OFFICE OF FOREIGN AFFAIRS.

His Excellency the provisional President has transmitted to me the following decree:

“The citizen Benito Juarez, constitutional provisional President of the Mexican Republic, to whom these presents may come:

“Know ye, that availing myself of the authority conferred upon me, I have seen fit to decree as follows:

“ARTICLE 1. To the end that all foreigners residing in the Republic may establish their nationality and exercise the right to which foreigners are entitled under the laws and treaties with the nations, respectively, there shall be opened in the department of state for foreign relations a registry, to the end that they matriculate therein.

“ART. 2. Three months, without prorogation, to commence from the publication of this decree, shall be allowed for foreigners to be inscribed, who desire to enjoy their rights as such.

“ART. 3. To accomplish this, those who reside away from this capital shall apply, with their respective proofs, to the government of states and territories, who shall arrange directly with the minister of foreign relations to enable them to carry out this decree, and who shall transmit the lists and descriptions of those who shall present themselves as above directed.

“ART. 4. Foreigners who shall return to the Republic are obliged to present themselves to the chief political authority at the port of their destination, and to ask therefrom the certificate which will be referred to hereafter.

“ART. 5. Captains of ports are obliged to transmit to the minister of foreign relations, as soon as possible, a list of passengers arrived thereat, and of their nationality.

“ART. 6. Upon foreigners who shall not have matriculated within the time above specified, a fine shall be imposed of ten dollars, and one dollar in addition for each month thereafter until they shall have registered.

“ART. 7. No authority, office, or public functionary shall recognize as a foreigner one who does not present the required certificate of matriculation issued by the department of foreign relations.

“ART. 8. The tribunals and judges, upon the instituting before them a demand by any foreigner, shall exact from him the previous presentation of the certificate referred to, taking note of the date and number thereof, and he shall not be heard in judgment or otherwise if it is not presented.

“ART. 9. No writer (notary, &c.,) shall authenticate any document for a foreigner, unless the said certificate is previously produced, of which special mention shall be made in the public document which he authenticates.

“ART. 10. Neither shall there be admitted in any of the offices of the Republic any reclamation on action by foreigners unless, at the time of making it, they present the certificate of matriculation, of which mention shall be made in the record to which the reclamation or action relates.

“ART. 11. Foreigners, to obtain said document, shall establish their nationality by the passports which they brought into the Republic, or by a certificate of the diplomatic or consular officer of their nation without its being necessary that they should make any written application therefor to the secretary for foreign affairs.

"ART. 12. The functionary or authority who shall fail to comply with this decree shall be suspended for one month, and if he be a writer (*escribano*), shall pay a fine of fifty dollars.

"ART. 13. To those who have matriculated, certificates shall be issued to them from the department of foreign affairs, which alone has the authority to issue them.

"ART. 14. To cover all the charges for the issuing of said certificates, one dollar each shall be demanded, which shall be paid at the moment of registry.

"ART. 15. It shall be the duty of the judges of the civil registry to make monthly reports to the department of foreign affairs of the changes which take place in the civil condition of foreigners.

"Therefore, I order it to be printed, published, circulated, and obeyed accordingly.

"Done in Mexico, the 16th of March, 1861.

"BENITO JUAREZ.

"To the citizen FRANCISCO ZARCO,

"*Minister of Foreign Affairs.*"

And I communicate it to you that it may be carried into effect.

God and liberty.

Mexico, 16th March, 1861.

ZARCO.

[Inclosure 2 in No. 962.—Translation.]

LAW OF MATRICULATION.

Benito Juarez, constitutional President of the United States of Mexico to the inhabitants thereof:

Know ye, that in the use of the ample faculties with which I am invested, I have thought proper to decree the following:

ARTICLE 1. Articles 6, 8, 9, and 12, of the law of March 16, 1861, are hereby repealed, and consequently foreigners who may come to the Republic or reside in it, although they shall not have caused themselves to be enrolled in the register of matriculation of foreigners, nor possess certificates thereof, may plead their rights before the tribunals, or otherwise sign contracts or other public documents, and present themselves to any authorities or officers, in use of the same rights as the other inhabitants of the Republic, according to the laws of the same.

ART. 2. The articles of the said law providing that foreigners who may wish to enjoy their rights as such, shall cause themselves to be enrolled in the register of matriculation and take out certificates thereof, remain in force. So far as may relate to the time previous to the date of enrollment and issuance of said certificates, they cannot allege any rights, nor be judicially recognized in the capacity of foreigners.

Therefore, I order the above to be printed, published, circulated, and duly obeyed. Given in Chihuahua, on the 6th of December, 1866.

BENITO JUAREZ.

No. 418.

Mr. Frelinghuysen to Mr. Morgan.

No. 732.]

DEPARTMENT OF STATE,
Washington, February 17, 1885.

SIR: I have to acknowledge the receipt of your No. 962, of the 12th ultimo, in reply to the inquiries of this Department respecting the matriculation laws of Mexico. The Department has read with interest your careful review of the subject. It appears that matriculation of foreigners consists in registering their names and nationality in the foreign office of Mexico.

The Mexican Government contends that the national character of the foreigner is proved by this matriculation, which entitles him to special privileges and obligations, called the rights of foreigners. These are

(1) the right to invoke the treaties and conventions existing between his country and Mexico; (2) the right to seek the protection of his own Government.

They further contend that the want of a certificate of matriculation will be considered sufficient to deny to this Government the right of diplomatic intervention in any case.

Against this contention this Government protests as an interference in its relations to its citizens. The Government of the United States recognizes the right of Mexico to prescribe the reasonable conditions upon which foreigners may reside within her territory, and the duty of American citizens there to obey the municipal laws; but those laws cannot disturb or affect the relationship existing at all times between this Government and one of its citizens. The duty is always incumbent upon a Government to exercise a just and proper guardianship over its citizens, whether at home or abroad. A municipal act of another state cannot abridge this duty, nor is such an act countenanced by the law or usage of nations. No country is exempted from the necessity of examining into the correctness of its own acts. A sovereign who departs from the principles of public law cannot find excuse therefore in his own municipal code. This Government, being firmly convinced that the position of the Mexican Government is untenable, cannot assent to it.

You will so inform the minister for foreign affairs in such form as you may deem proper.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

NETHERLANDS.

No. 419.

Mr. Bell to Mr. Bayard.

No. 44.]

LEGATION OF THE UNITED STATES,

The Hague, September 17, 1885. (Received September 28.)

SIR: I have the honor to bring to your knowledge that on the occasion of a recent demonstration of workingmen at Amsterdam there was a conflict between those taking part and the police authorities. Subsequently a meeting of the workingmen was convened in Amsterdam for the purpose of presenting a formal protest against the action of the police authorities. At this meeting a resolution was adopted protesting against the action of the police authorities and demanding an inquiry upon the subject of the excess committed by them under the pretext of repressing trouble. The speakers at the meeting advised those taking part to abstain from all tumultuous demonstrations. The text of the resolution adopted at this meeting was delivered to the mayor by a delegation appointed for that purpose. The mayor, in receiving the document, said to the delegation that all those who believed themselves to have been wronged by the authorities, and were in a position to establish the facts, were at liberty to address him, either verbally or in writing; at the same time he expressed the opinion that the public force on the occasion of the late trouble did not exceed their authority. The delegation after its audience with the mayor reported to the crowd the result of its mission.

A new meeting was then held, at which the complaints of the people were formulated and a proclamation issued under the direction of various associations, requesting all those who desire to participate in manifestations for the purpose of modifying article 76 of the constitution to take part in a grand demonstration, which is fixed to take place at The Hague on Sunday next, the 20th instant.

The manifestations which have taken place within the past thirty days in different parts of the country, and especially at Amsterdam, were directed chiefly against article 76 of the constitution of the Netherlands, which limits the right to vote.

Article 76 reads as follows:

The members of the second Chamber are elected in the various electoral districts in which the country is divided by Netherlands subjects clearly enjoying civil and political rights and paying a direct electoral tax, which (regard being had to local circumstances) is fixed by the electoral law, and which cannot be less than 20 florins (\$8) nor to exceed 160 florins (\$64).

The proclamation calling the meeting at The Hague on the 20th instant is issued under the direction of the following-named associations: universal suffrage: bakers, boatmen, cigar-makers, cabinet-makers, carpenters, house-painters, tanners, carpet-makers, riggers, wheelwrights, stone-masons, printers, iron-workers, painters, plasterers, shoemakers, &c. The associations seem to be making an effort to secure a modification of the article in question by an appeal to the legal authorities by public but peaceful demonstrations. The proclamation itself is addressed to all those who desire to arrive by legal ways and without disturbance at the modification of article 76 of the constitution.

The meeting here is fixed for the 20th instant, the day before the opening of the session of the States General, and is no doubt fixed for that date on account of the expected presence at that time in this capital of the members of the States General. As the Government has at this time the revision of the constitution under consideration, no little comment has been caused by what is termed "the feverish impatience of the people."

The reports of the committee of the second Chamber concerning the propositions to revise the constitution have recently been made public, but on account of their voluminous nature I have thought it best to await the final action of the States General before forwarding a definite report.

I have, &c.,

ISAAC BELL, JR.

No. 420.

Mr. Bell to Mr. Bayard.

[Extract.]

No. 47.]

LEGATION OF THE UNITED STATES,

The Hague, September 23, 1885. (Received October 7.)

SIR: As previously announced in my No. 44, of September 17, I have the honor to report that a manifestation on a large scale took place here on Sunday, the 20th instant, in favor of universal suffrage. The initiative of this demonstration and of the meeting which followed it was taken by the "Netherland League of Universal Suffrage" with the co-operation of the "Netherlands Workingmen's Associations" and the "So-

cial Democrats of the Netherlands." Delegates representing over one hundred associations from all sections of the country took part in the procession, which was formed on the Bentenhof, in front of the legation. The procession, bearing flags and banners, but without music, quietly paraded the principal streets of the city, escorted by the police. Those taking part, some three or four thousand, subsequently held a meeting in one of the principal halls of the city, which lasted three hours, and during which time several important speeches were made. The speakers declared that if the people could not obtain universal suffrage through legal ways that they would obtain it by violence. The meeting finally adopted a resolution demanding for the last time "peacefully" universal suffrage. The resolution will be presented to the presidents of the two chambers and to the minister of the interior.

* * * * *

I have, &c.,

ISAAC BELL, JR.

No. 421.

Mr. Bell to Mr. Bayard.

No. 48.]

LEGATION OF THE UNITED STATES,
The Hague, September 26, 1885. (Received October 10.)

SIR: I have the honor to report that yesterday the minister of finance submitted the budget for the coming year to the second Chamber, by which it appears that a deficit exists of 16,500,000 florins (\$6,600,000) for the home Government, and a further deficit of 4,500,000 florins (\$1,800,000) for the Indian colonies.

In order to provide for this deficit as well as to complete the unfinished public works, it is said that the minister of finance will propose to the Chambers that a loan of 65,000,000 florins (\$26,000,000) be issued payable in fifty-five years.

I have, &c.,

ISAAC BELL, JR.

No. 422.

Mr. Bell to Mr. Bayard.

No. 55.]

LEGATION OF THE UNITED STATES,
The Hague, October 13, 1885. (Received October 24.)

SIR: Referring to my No. 48 of the 26th ultimo, I now have the honor to inform you that an examination of the documents accompanying the budget for the year 1886 recently presented to the second Chamber shows that economies are proposed in all the departments except that of war, through which it is proposed to dispense 500,000 florins more than in 1885.

The expenses of the interior department are to be diminished more than 1,000,000 florins. This arises principally from the suppression of normal schools and a reduction in the operations connected with public instruction.

It is a noticeable fact that the expenses of the war department are increased to the detriment of the fund for educational purposes and the reason attributed for the reduction is the fact that in many localities the schools are so poorly attended.

It is proposed to distribute the 132,028,450 florins asked for as follows:

	Florins.
1. Household of the King	650,000
2. The high administration of the state and the cabinet of the King....	610,634
3. Department of foreign affairs	683,690
4. Department of justice	4,519,641
5. Department of interior	10,980,361
6. Department of marine.....	13,261,248
7a. National debt.....	34,989,299
7b. Department of finance.....	23,432,386
8. Department of war	20,774,853
9. Department of waterstaat, commerce, and industry.....	20,896,217
10. Department of colonies	1,180,120
11. Various ways.....	50,000

The minister of finance after having explained the financial situation, from which it appeared that there would be a large deficit at the end of the year 1886, insisted particularly upon issuing a loan of 65,000,000 florins, payable in fifty-five years, to cover the deficit and to provide means for carrying on the public works already voted by the Chambers.

It is proposed to divide the proceeds of this loan about as follows:

	Florins.
1. Finishing railway lines of the State already under construction.....	7,000,000
2. Redemption of the line from Antwerp to Rotterdam.....	4,000,000
3. Approximate estimate of the cost of the canal from Amsterdam to the Merwede	7,000,000
4. Improvement of the Rotterdam Canal, deduction being made of that portion of expenses which fall on the Rotterdam community.....	6,000,000
5. Improvement of the mouth of the Meuse	11,000,000
6. Finishing works on fortifications.....	10,000,000
7. Demonetization of silver conformable to the law of April 27, 1884 (as this demonetization may take place during the year 1886).....	5,000,000
8. The deficit as between receipts and expenditures estimated for December 31, 1886	16,000,000

The minister of finance closed his explanation by declaring that it was necessary to resort to new taxes to restore the financial equilibrium.

I have, &c.,

ISAAC BELL, JR.

No. 423.

Mr. Bell to Mr. Bayard.

No. 56.]

LEGATION OF THE UNITED STATES,

The Hague, October 14, 1885. (Received October 27.)

SIR: The budget of the Netherlands East Indies for the year 1886 was recently presented to the second Chamber of the States General by the minister of the colonies.

As usual this budget was divided into four chapters, one being the chapters of expenses in the Netherlands for the benefit of the Indies and two in the Indies for the benefit of the Indies. Three being the chapter of receipts in the Indies for the benefit of the Indies, and four in the Neth-

erlands for the benefit of the Indies, arising principally from the sale of coffee, quinine, and tin.

The total of the budget is as follows:

	Florins.
Expenses in the Netherlands.....	25,184,803
Expenses in the Indies	114,766,211
Total	139,951,014
Receipts in the Netherlands.....	31,078,805
Receipts in the Indies	104,425,109
Total	135,503,914
Showing a deficit of	4,447,100
Compared to the budget of 1885, the total of the expenses is	4,148,580
Total receipts.....	7,136,872
Less than those of 1885.	

The following table shows the financial situation of the Netherlands Indies during the past five years:

	Florins.
Expenses, 1880	146,935,037
Receipts, 1880.....	146,993,516
Profit	58,479
Expenses, 1881	150,500,378
Receipts, 1881.....	137,613,985
Deficit.....	12,886,393
Expenses, 1882	149,940,531
Receipts, 1882.....	130,532,735
Deficit	19,407,796
Expenses, 1883	148,311,472
Receipts, 1883.....	141,609,749
Deficit	6,701,723
Expenses, 1884	145,482,985
Receipts, 1884.....	141,857,947
Deficit.....	3,625,038

The total of the deficits in the receipts of former years, including the estimate for the year 1886, amounts to the sum of 54,868,794 florins, of which amount 45,157,365 florins is already covered by the loan of 1883, contracted by the State, so that at the end of the year 1886 there will be a deficit of 9,711,429 florins.

In regard to the fall in the price of coffee, the minister has only valued the article at 28 cents Dutch money (about $11\frac{1}{4}$ cents of our money) per half kilogram, being two cents less than the estimate for the current year, so that the proceeds of the sale of coffee in 1886 are estimated at a sum of 8,266,800 florins less than in 1885.

The minister expects, however, an increase in the receipts from the following sources:

	Florins.
Tobacco license	600,000
Stamp tax	75,000
Land rent.....	600,000
License privilege.....	374,000
State railways	544,000

The minister further announced that he expected to realize a benefit of 1,000,000 florins from a revision of the colonial customs tariff,

The abstract of the budget above referred to as showing the receipts and expenditures in the Netherlands for the benefit of the Indies and in the Indies for the benefit of the Indies numbered one, two, three, and four, are herewith inclosed.

I have, &c.,

ISAAC BELL, JR.

[Inclosure 1 in No. 56.]

Statement of expenditures in the Netherlands for the benefit of the Indies.

	Florins.
1. Government and high colleges of the State	40,600
2. Department of justice	69,000
3. Department of finance	8,528,000
(Of this sum 2,455,600 is due as interest, and 5,053,800 for pensions, &c.)	
4. Department of the interior	4,261,638
(Of this sum 3,885,494 is to be expended in the culture of coffee.)	
5. Department of public instruction	577,280
6. Department of public works	3,478,000
(Of this sum 2,876,000 is due the railways and tramways.)	
7. Department of war	4,062,627
(Of this sum 1,612,800 is due for the transportation and equipment of troops and 1,672,000 cost of materials.)	
8. Department of marine	4,167,658
(Of this sum 1,896,158 is due for personal services, and 2,220,100 for material.)	
Total	25,184,803

[Inclosure 2 in No. 56.]

Statement of expenditures in the Indies for the benefit of the Indies.

	Florins.
1. Government and high colleges	1,198,130
2. Department of justice	5,379,975
3. Department of finance	8,418,123
4. Department of the interior	41,704,361
(Of this sum 17,356,329 is to be expended in the culture of coffee.)	
5. Department of public instruction	10,699,908
(Of this sum 2,805,419 is to be expended in the public instruction of Indians and Europeans.)	
6. Department of public works	17,229,957
(Of this sum 5,793,900 is to be expended in the construction of railways and tramways.)	
7. Department of war	24,337,222
8. Department of claims	5,798,535
Total	114,766,211

[Inclosure 3 in No. 56.]

Statement showing the receipts in the Indies for the benefit of the Indies.

	Florins.
1. Government, high colleges of the state, and department of justice...	372,200
Taxes derived from license privileges, opium	21,376,000
Slaughtering cattle, &c	1,620,000
License for the Chinese game (pho-en-topho)	833,000
License for the sale of arac and other strong drinks in Java by re-tail	450,000
Java and Chinese tobacco license	235,000

	Florins.
Tolls from bridges, sluices, &c	183,000
Birds' nests	174,000
Pepper tax (at —)	90,000
Nipa and other woods	10,000
Sale of sago	17,000
Thousand Islands' privileges	3,200
Gold mines at Borneo	9,600
Fisheries at Makasser	9,800
Sale of salt at Sumatra	12,000
Government pawn houses	881,000
Gutta percha (Sumatra)	17,000
Various other taxes	140,800
2. Customs:	
Importations	7,470,000
Exportations	2,545,000
Excises	159,000
Government warehouses	53,000
Other receipts	64,200
3. Port privileges	278,000
4. Personal taxes	758,000
5. Ground tax, and taxes upon nutmegs, spices, &c., at Banda Island ..	1,773,000
6. Public sales	805,000
7. Stamp tax	1,100,000
8. Mutations	600,000
9. Carriages and horses	211,000
10. Right of succession	97,000
11. Tax on certain possessions in Java	3,500
12. License for Chinese gambling houses	36,000
13. License for the sale of tobacco	1,200,000
14. Right of slaughtering cattle in the regency of Preanger	50,000
15. Tax on trades	3,318,000
16. Special tax on privileges and possessions in Java and Madura	1,859,150
17. Repayment of the loans advanced to land pensioners	897,000
Department of the interior:	
18. Islands to the north of Celebes	7,115
19. Poll-tax in the Government of Java and Madura	2,540,000
20. Cadastre	66,000
21. Land rents	19,350,000
22. Fisheries	325,000
23. Rice and sugar in Celebes	241,020
24. Sale of lands	716,800
25. Emphytentic rent	105,000
26. Tax from the registration of the contracts with the workmen at Su- matra and Banda	18,700
27. Sale of coffee	7,556,500
28. Tax on sugar plantations	5,682,374
29. Sale of the products of the forests	831,200
30. Restitution of the advances made to the steam packet companies ..	100,000
Department of public instruction:	
31. Academic contributions	368,500
32. Sale of the products of the botanical gardens at Buitenzorg	2,400
33. State printing	200,000
34. Tax upon lotteries	27,000
35. Sale of tin	503,000
36. Sale of salt	7,167,000
37. Receipts from various sources	23,750
Department of public works:	
38. Sale and location of houses	48,000
39. Post	828,000
40. Telegraph	510,000
41. Railways and tramways	5,027,000
42. Steam engines	18,000
War department:	
43. Divers receipts	772,600
Department of the marine:	
43. Divers receipts	460,500
Total	104,425,000

[Inclosure 4 in No. 56.]

Statement of the receipts in the Netherlands for the benefit of the Indies.

	Florins.
1. Sale of coffee.....	24,591,535
2. Sale of quinine	244,530
3. Sale of tin	4,351,346
4. Reimbursement of advances made to the railways of Samarang.....	1,015,000
5. Other receipts from various sources	876,394
Total	31,078,805

No. 424.

Mr. Bell to Mr. Bayard.

No. 57.]

LEGATION OF THE UNITED STATES,
The Hague, October 15, 1885. (Received October 27.)

SIR: Referring to my No. 56 of the 14th instant, in which I remarked that the minister of finance had stated that he expected to realize a benefit of 1,000,000 florins from a revision of the colonial customs tariff, I now have the honor to report that it is understood that the following projects will be submitted to the Chambers, some of which have a material bearing on the commerce of the United States.

It is proposed to reduce the export duties in the colonies as follows: Coffee, from 3 to 1 florin per 100 kilograms; sugar, from fl. .18 the kilogram to fl. .09; tea, the duty to be abolished.

On the other hand, it is proposed to increase the duty on petroleum by 2 florins the hectoliter (from which source alone it is expected that a sum of 800,000 florins will be realized). It is proposed to raise the import duty on tobacco to 16 florins the 100 kilograms, and on cigars and cigarettes to 20 florins the 100 kilograms.

The following articles and products at present subject to an import duty of 6 per cent. ad valorem, it is proposed to raise to 10 per cent. Pottery, eatables, glassware, manufactured articles of gold, silver, iron, steel, copper, zinc, lead, tin, leather, paper, perfumery, playing cards, clocks, watches, cooperage, flour, and meats. Musical instruments, hitherto free, to pay 10 per cent. ad valorem. Import duty on tea and beer to be doubled.

These proposed changes in the tariff have not yet been presented to the Chambers in proper form, but it is generally believed that a bill of a similar nature will soon be formulated.

According to estimates for the year 1886, without these contemplated modifications, it is expected to realize through the colonial customs import duties 7,500,000 florins and export duties 2,500,000 florins.

I have, &c.,

ISAAC BELL, JR.

No. 425.

Mr. Bell to Mr. Bayard.

[Extract.]

No. 62.]

LEGATION OF THE UNITED STATES,
The Hague, October 29, 1885. (Received November 10.)

SIR: Referring to my No. 55 of the 13th instant, in which I referred to an anticipated loss during the year 1886 of 5,000,000 florins by this Government by reason of the proposed demonetization of 25,000,000

florins in Dutch silver coin of $2\frac{1}{2}$ florins each (about equal to our silver dollar), I now have the honor to transmit herewith three copies of the law of the 27th of April, 1884, in the Dutch text, with translation.

By this law it will be seen that the minister of finance is so authorized, whenever he deems it expedient, to avail himself of the opportunity to demonetize an amount of silver coin not to exceed 25,000,000 florins and sell for gold the ingots (silver) thus produced through the agency of the Netherlands Bank.

* * * * *

It seems that this law was passed at a time when this Government was about placing a considerable loan, and is supposed to have greatly strengthened the credit of the country, the legislation being regarded abroad as an indication of the desire of the Government to pay its indebtedness in gold. The minister of finance further intimated in his interview that such demonetization would certainly not take place during the coming year, as the Government reserve of gold at present was exceedingly strong.

The amount of silver which the Government may hereafter dispose of can be learned from an examination of the following statement, which may be relied upon as showing approximately the monetary situation in this country and its colonies. The Netherlands Government adopted the single silver standard in 1847. The law of the 6th June, 1875, introduced the gold standard, and fixed the relation between the two metals in the proportion of one of gold to fifteen and five-eighths of silver.

There has been coined in the Netherlands since 1840 a little more than 460,000,000 florins in silver money, of which amount a large proportion has been sent to the colonies. Silver money are pieces of $2\frac{1}{2}$ florins, about equal to our silver dollar; 1-florin piece, about equal to 40 cents of our money; and 50-cent pieces, equivalent to about 20 cents in our coin. The gold money which has been coined in this country since 1875, the date of the introduction of the gold standard, amounts to 74,303,910 florins, and is coined only in 10-florin pieces. The monetary circulation of this country was as follows at the commencement of 1885: Silver money in circulation in the Netherlands in the neighborhood of 150,000,000 florins. Silver money in circulation in the colonies, in the neighborhood of 200,000,000 florins; the balance, it is estimated, has been consumed in manufactures and for ornaments. Gold money in circulation in the Netherlands, about 15,000,000 florins. Gold money deposited in the Bank of the Netherlands January 1, 1885, 19,700,000 florins; on the first day of October, 1885, 22,600,000 florins, in addition to 26,000,000 florins in ingots. Gold money in circulation in the colonies, about 5,000,000 florins. Copper money in circulation in the Netherlands, about 1,700,000 florins.

There are no official data to show the amount of copper money in circulation in the colonies, but it is believed to be in the neighborhood of 18,000,000 florins.

In addition there are in circulation in the Netherlands about 7,500,000 florins, in odd pieces of the denominations of 25 cents, 10 cents, and 5 cents, in debased silver. The amount of these odd pieces in circulation in the colonies is not known in official circles here.

There were also in circulation January 1, 1885, bank-bills, not covered by gold or silver, amounting to 77,500,000 florins; on October 1, 1885, this sum had been reduced to 50,500,000 florins.

The Netherlands Bank is not a Government institution, but is nevertheless the designated depository of the Government, on account of

which fact the Government has a commission, consisting of fifteen members, who inspect the affairs of the bank. * * * The holders of the bills of this bank can at any time demand their redemption in specie but not in gold.

I have, &c.,

ISAAC BELL, JR.

[Enclosure in No. 62.—Translation.]

Law of the 27th of April, 1884, containing some measures upon the monetary system.

[Official journal of the Kingdom of the Netherlands.—No. 97.]

We, William III, by the grace of God King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxemburg, &c.

To all men who shall see or hear the present, hail: be it known to them:

As we have taken into consideration the necessity to adopt some measures upon the monetary system, so it is that we, after having heard the council of state and in common accord with the States-General, have approved as we approve by the present, only article.

Our minister of finance is authorized to, when and in as far as he will judge it necessary, having regard for the state of our monetary system, to demonetize an amount of at the highest 25,000,000 florins, in Dutch coin of 2½ florins, and to sell the ingots of silver thus produced through the intervention of the Netherlands Bank. Before making use of this authority our minister aforesaid will take the advice of the section of the council of state which is in relation upon this subject with the department of finance. As soon as the interests of the state will permit it, the advice of this section of council of state will be communicated to the States-General.

We order and decree the present law to be inserted in the official journal (Staatsblad) and that ministerial departments, authorities, colleges, and other functionaries whomsoever it may concern shall co-operate to have the same punctually carried out.

Done at the chateau of Orange-Nassau, April 27, 1884.

WILLIAM.

The minister of finance,

GROBBEE.

Promulgated the 30th April, 1884.

The minister of justice,

Du Tour VAN BELLINCHAVE.

No. 426.

Mr. Bell to Mr. Bayard.

No. 73.]

LEGATION OF THE UNITED STATES,

The Hague, Netherlands, November 20, 1885. (Received Nov. 30.)

SIR: Referring to my No. 47, of September 23d last, I now have the honor to inform you that this Government has published its reply to the report of the commission of the second Chamber in relation to the proposed projects respecting the revision of the constitution. The principal point presented and discussed in this reply is the question of universal suffrage.

Replying to the observation comprised in the report of the Chamber in favor of universal suffrage this Government says:

Every person has the right to be well governed and to live under equitable laws appropriate to his social position; accordingly the right to vote has only a relative value, inasmuch as it guarantees a suitable representation and wise laws.

According to this principle, it surely does not appear reasonable to accord the right of election to the masses, that is, to an important majority of persons little enlightened, who scarcely contribute anything to the public charges, and who, more than all other persons, are exposed to be misled or corrupted by political leaders.

The position of the candidates would consequently be quite different when they are obliged to make promises to gain the vote of the masses.

In order that you may be able to see this point clearly, it is important that you should fully understand the nature of the oath taken by members elect of either chamber of the States-General on entering upon their functions.

The following is a translation of article 83 of the fundamental law of the Kingdom of the Netherlands prescribing the oath to be taken by members elect of the first and second chambers of the States-General.

On their entrance into office they will each, in accordance with their religious belief either take the oath (or make the promise) which follows:

I swear (or promise) fidelity to the fundamental law. So help me God.

They are admitted to take this oath or make this promise after having taken the oath or made the declaration and promise which follows:

I swear (affirm) that to be elected member of the first or second chamber (as the case may be) of the States-General I have neither given nor promised, neither will I give or promise, directly or indirectly, under any pretext whatsoever, any gift or present to any person, in office or without functions.

I swear (affirm) that I will never receive from any one whomsoever, nor under any pretext, directly or indirectly, any gift or present engaging me to do anything whatsoever in the exercise of my function.

These oaths are taken at the hands of the King or in the session of the second chamber at the hands of the president authorized to this effect by the King.

Referring again to the substance of the dispatch the Government further says:

Universal suffrage exists, it is true, in several great states, as in the United States, in France since 1848, and in Germany since 1869; and it is perfectly understood that this system cannot be abolished in any of those states, for once the political right is accorded it is very difficult to withdraw it.

The Government, after citing certain evils which they claim are the natural outgrowth of the existence of universal suffrage in the United States, France, and Germany, says further:

It is possible that, having regard for the moderation of the national character and the small extent of our territory, universal suffrage would not bring about in the Netherlands all those disagreeable consequences, but it is not to be overlooked that the introduction of the system would be a very dangerous step, from which it would be almost impossible to retreat once it had been adopted.

Notwithstanding these views the Government has presented to the second Chamber a new modification of the article of the constitution which regulates the right of suffrage.

According to this proposition the right of suffrage is not only to be accorded to persons paying a certain local tax, but also to those who pay only a certain sum in land tax to the state. The effect of this proposition may be better understood when it is known that the number of voters at Amsterdam, Rotterdam, and The Hague, actually 5,076, 2,702, and 2,718, would be by this modification increased to 11,408, 5,707, and 5,323, respectively.

The result of the recent election in the district of Sheek, to fill the vacancy in the second Chamber created by the appointment of Mr. Van Blom as high counselor of the court, may be taken as an indication of

the feeling prevailing among those already enjoying the right of suffrage.

The result of this election was attended with a special interest. In the first place, on account of the person of the liberal candidate, and in the second place because the result would influence very much the composition of the Chamber, which at the present time has 43 Liberal and 43 anti-Liberal members. The result was favorable to the Liberal party, who for the first time elected a "workingman's candidate" in the person of Mr. Heldt, who obtained 2,006 votes against 1,670, polled by the Baron Schimmelpenninck van der Oji, the conservative candidate. Mr. Heldt is the president of the workingmen's association, editor of the Workingman's Journal, and a strong partisan of universal suffrage.

Baron Schimmelpenninck is a representative of the old nobility of Holland, and his family hold close personal relations with the court.

I have, &c.,

ISAAC BELL, JR.

PERU.

No. 427.

No. 81.] *Mr. Frelinghuysen to Mr. S. L. Phelps.*

DEPARTMENT OF STATE,
Washington, December 5, 1884.

SIR: I have to acknowledge the receipt of your notes of the 6th and 29th of October last, Nos. 148 and 165, respecting the murder of Mr. Owen Young, an American citizen, a native of Georgia, at the hacienda of Tecapa, by a soldier belonging to the military forces of Peru.

In your No. 148, of the 6th of October, you inclosed a copy of the report of B. H. Kauffman, United States consular agent at Pacasmayo, containing the particulars attending the murder of Mr. Young, and also a copy of your note to the minister for foreign affairs, under date of the 6th of October, wherein you demand an immediate and full investigation of the case, to the end that the guilty soldier may meet with a proper punishment for his crime, and the family of the deceased receive justice at the hands of the Government.

In your No. 165, of the 29th of October, you inclose a copy of the affidavits of persons who witnessed the murder of Mr. Young, and say that the minister for foreign affairs has assured you that the matter will receive prompt attention by the officials near the scene of the act. Your efforts to have judicial remedies applied in this case in a prompt and exemplary manner are fully approved by this Department.

The circumstances, as detailed in the report of Mr. Kauffman, and subsequently confirmed by affidavits of nine witnesses who were present when the act was committed, show it to have been a most cruel murder. You will continue your efforts to secure the prompt punishment of the criminal, and at the same time see that full justice is done the family of the murdered man.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 428.

Mr. Frelinghuysen to Mr. S. L. Phelps.

No. 88.]

DEPARTMENT OF STATE,
Washington, December 18, 1884.

SIR: The President is surprised to learn by your dispatch No. 175 that no apparent action had been taken by the Government of His Excellency the President of Peru in the direction of apprehending and bringing to condign punishment the man who, in the uniform and the ranks of the army of that Government, wantonly, on the 27th day of September last, shot dead on his premises, utterly without warrant or provocation, the United States citizen, Owen Young.

It is unnecessary to recapitulate the facts of the case, since they are not only familiar to you, but have been, in due form, fully communicated by you to His Excellency's Government. It is hoped and believed that by the time this instruction reaches you the action which this Government looks for in the case will have been taken, so far as the condemnation and execution of the assassin are concerned; but if not you are requested to read this communication to the minister of foreign affairs, and to leave with him a copy if desired.

The question of indemnity to the family of the deceased is reserved.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 429.

Mr. S. L. Phelps to Mr. Frelinghuysen.

No. 191.]

LEGATION OF THE UNITED STATES,
Lima, Peru, December 20, 1884. (Received Jan. 16, 1885.)

SIR: I have received another communication from the minister of foreign relations regarding proceedings in the courts in the judicial district of Libertad in respect to the murder of Owen Young, a copy of which, with translation, is inclosed herewith.

I have, &c.,

S. L. PHELPS.

[Inclosure in No. 191.—Translation.]

LIMA, December 13, 1884.

SIR: I have the honor to inform your excellency that the minister of justice has addressed me the following official communication, dated the 12th of the present month, relative to the murder of the United States citizen, Mr. Owen Young:

"The president of the superior court of the judicial district of Libertad and Lambayeque has sent to this office, dated the 6th of the present month, the official communication which follows:

"I have sent to the judge of first instance of the province of Pacasmayo a copy of the esteemed note of your excellency of the 20th of November, in order that he may give me by return mail a detailed answer to its contents—that is to say, on the condition of the judicial proceedings relative to the murder of the United States citizen, Mr. Owen Young, and the inventory of his effects directed to be made by order of the sub-prefecture, and that without prejudice he hasten its termination in conformity with law, which I have the honor to transmit to your excellency for your information."

I reiterate, &c.,

BALTASAR GARCIA URRUTIA.

No. 430.

Mr. S. L. Phelps to Mr. Frelinghuysen.

No. 194.]

LEGATION OF THE UNITED STATES,
Lima, Peru, December 24, 1884. (Received Jan. 16, 1885.)

SIR: Since my last report upon the political condition of Peru, there has been no very decided change for the better. The rule of the Government has been somewhat extended in limits, but its agents commit many outrages, while reports of fights with montoneros are numerous.

Cacéres retains control over Moquegua, Arequipa, Puno, and Cuzco, but dissatisfaction with his rule seems to be as prevalent in those departments as is shown in the north with the Iglesias Government.

A small steamer has been purchased and armed for the purpose, it is said, of blockading the port of Mollendo.

The army now numbers some 6,000 men, well armed, fairly well disciplined, and immoderately officered. With this force peace has thus far been maintained here and in the immediate vicinity.

I have, &c.,

S. L. PHELPS.

No. 431.

Mr. S. L. Phelps to Mr. Frelinghuysen.

No. 199.]

LEGATION OF THE UNITED STATES,
Lima, Peru, January 7, 1885. (Received February 3.)

SIR: I have heretofore sent you copies of communications from the minister of foreign affairs in regard to the action of the Government of Peru in the case of the murder of Owen Young. It being perfectly evident that no practical measures have been taken to discover and secure the murderer, who, unless he has escaped in the interval, is in the military service and entirely in the control of the Government, I have to-day addressed the minister of foreign affairs as per inclosed copy.

I have, &c.,

S. L. PHELPS

[Inclosure in No. 199.]

*Mr. S. L. Phelps to Mr. Urrutia.*LEGATION OF THE UNITED STATES,
Lima, Peru, January 7, 1885.

SIR: I regret the necessity I am under to invite your excellency's attention earnestly to the long delay that has occurred in bringing to punishment the murderer of Owen Young. I reported the facts to your excellency October 6 last, and furnished you with the names of witnesses who were present at the hacienda of Tecapa, and were ready to testify to the ruthless character of the murder. Three months have elapsed, and yet it does not appear that any real measure has been taken by the authorities to bring the assassin to punishment, or even to investigate the facts.

I am directed by my Government to spare no exertions to secure the punishment of the guilty man, and to obtain proper indemnification for his family from the Government of Peru.

I now request at your excellency's earliest convenience definite knowledge as to whether this soldier, serving in the army and entirely in the control of the Government, has been yet arrested and placed in safe custody for trial.

Availing, &c.,

S. L. PHELPS.

No. 432.

Mr. S. L. Phelps to Mr. Frelinghuysen.

No. 203.]

LEGATION OF THE UNITED STATES,
Lima, Peru, January 28, 1885. (Received February 25.)

SIR: On the 14th instant I read your dispatch No. 90 to the minister of foreign affairs, and left a copy with him, in reference to the murder of Owen Young.

I had addressed him on January 7, before receipt of your dispatch referred to, as per copy of the letter inclosed to you on that date, but have received no reply from him to either communication.

When your dispatch was read to him, he said he had just received a report from the court having jurisdiction, and would send a copy of it at once.

He has failed to do so, presumably because the report was not such as he thought would be acceptable.

I took occasion to say that he might rely upon it that the United States would insist upon the prosecution of the matter and the execution of the murderer when discovered.

I have, &c.,

S. L. PHELPS.

No. 433.

Mr. S. L. Phelps to Mr. Frelinghuysen.

No. 204.]

LEGATION OF THE UNITED STATES,
Lima, February 4, 1885. (Received February 25.)

SIR: The minister of foreign affairs of Peru has sent me a copy of the proceedings of the court in the case of the murder of Owen Young, and in the note of transmission claims a display of energy on the part of the Government in the prosecution of the investigation.

Until I can transmit a copy of this note, with translation, it will suffice to remark that one hundred soldiers of the Government were engaged on the day of the murder, with the montoneros, about the premises of Mr. Young, one of whom committed the deed in view of others of the troop, and so far it does not appear that a soldier has been examined or arrested.

I have, &c.,

S. L. PHELPS.

No. 434.

Mr. S. L. Phelps to Mr. Frelinghuysen.

No. 206.]

LEGATION OF THE UNITED STATES,
Lima, Peru, February 9, 1885. (Received March 6.)

SIR: In my No. 204 I informed you that the minister of foreign affairs had transmitted voluminous papers relating to legal proceedings had in the case of the murder of Owen Young. Inclosed is a copy of the minister's letter, with translation, and of my reply to it, and also copies of the papers sent me.

I have not thought it necessary to translate more than the inventory made of the property left by the victim, as my summary of the court proceedings, contained in the note to the minister, embraces the practical results reached through them.

I have, &c.,

S. L. PHELPS.

[Inclosure 1 in No. 206.—Translation.]

Mr. Urrutia to Mr. S. L. Phelps.

LIMA, January 16, 1885.

I have the honor to inform your excellency that the minister of justice has sent to this office an official communication on the 12th of the present month, accompanied by all the documents which refer to the assassination of the North American citizen Mr. Owen Young, certified copies of which I remit to your excellency with this communication. The documents referred to will persuade your excellency that the authorities, executive and judicial, of the department of Cajamarca proceeded to fulfill their respective obligations as soon as they had notice of that unfortunate affair.

With regard to the proceedings followed to discover the author of the killing of the said Young, I must say to your excellency that the annexed copy, marked No. 3, contains the work done by the judge of Pacasmayo up to the latest date of the last mail, and that said magistrate pushes the proceedings in the matter with activity and assiduity in order to arrive at a knowledge of the real culprit, and to apply to him the punishment he deserves in conformity with law. I am compelled, moreover, to observe to your excellency that in your esteemed communication of the 7th of the present month relative to the same matter you affirm that since the 6th of October last, on which date your excellency gave me notice of the killing of Young, up to the first date cited, "three months have passed without the authorities having adopted positive measures for the punishment of the assassin, nor even for the investigation of the facts concerning the admitted crime." It is evident that your excellency may not have had a clear recollection of the various official letters which I have addressed to that legation upon the death of the said Young, and for this reason I hasten to recall to your excellency the date of and extracts from each one of them.

The 13th of October last past I communicated to your excellency that there had been issued from this ministry instructions most appropriate and forcible for the apprehension and punishment of the murderer of Young. The 22d of November I advised you that the undersigned had reiterated his orders for the institution of legal proceedings against and punishment of the soldier who, according to the indications of your excellency, was the author of the murder referred to. The 9th of December I informed your excellency that the minister of justice, in compliance with the instructions emanating from this office, had asked of the judge of Pacasmayo the proceedings of the prosecution ordered to take place in said province in regard to the crime mentioned, and finally, the 13th of the same month of December past, I transmitted to your excellency the official communication in which the before-mentioned minister communicated to me, in reply to an inclosed note of the 28th November, that he had addressed himself anew to said magistrate in order that by return mail he might remit a detailed statement of the judicial proceedings referred to, and that is what appears from the annexed copies. This series of communications passed to your legation by the ministry under my charge, and shows my Government has been solicitous and firm since the perpetration of the crime mentioned for the discovery of the author, of it, in order to apply to him adequate punishment.

I improve, &c.,

BALTASAR GARCIA URRUTIA.

[Inclosure 2 in No. 206:]

Mr. S. L. Phelps to Mr. Urrutia.

LEGATION OF THE UNITED STATES,
Lima, Peru, February 6, 1885.

SIR: I have perused with care the communication and accompanying documents relating to the murder of Owen Young at the hacienda of Tecapa, which your excellency did me the honor to address me under date of the 16th ultimo, although delivered

at this legation on the 28th of that month. In this note occasion is taken by your excellency to express the view that the voluminous papers inclosed with it indicate commendable energy on the part of the authorities of Peru in the prosecution of the case, and one at variance with the intimation made by me that indifference on their part seemed manifest. It is with regret that I find in these papers rather a confirmation of my fears in that regard and cause to apprehend that my Government may not consider that effective measures had been taken for the apprehension of the assassin by the Government of Peru up to the 22d December, the last date given in the examination of witnesses.

On that date, briefly stated, the case was thus: The murder occurred September 27 last; the sub-prefect and military commander of the province of Pacasmayo reported the murder to the judge of the proper court of the province September 28, and directed proceedings to be taken. October 2 a medical examination was held upon the body. My note furnishing intelligence of the murder and giving the facts and names of witnesses, other than soldiers of the Government, was addressed to your excellency October 6, and the facts then given by me were corroborated by the witness examined in December, the verification of their testimony bearing date December 31. An inventory of property of the murdered man was made December 21. On that date and the 22d such of the witnesses as had been in the employ of Owen Young were examined and testified to facts as stated in my note.

The foregoing summary seems to embrace all the action had up to the end of the year 1884, three months after the assassination. Those persons pointed out as having knowledge respecting the murderer had not been examined.

As appears by the report of the sub-prefect at Pacasmayo one hundred soldiers were engaged in the fight with the montoneros at Tecapa, more or less of whom were witnesses of the murder or have knowledge of the assassin. The entire force is implicated, and these men are accomplices while concealing the facts and shielding the criminal. Yet not a soldier or officer, so far as appears, has been examined; not one arrested up to the 1st ultimo. Every man of them, if such measure were necessary to reach the truth, should have been arrested long since, and held for the crime as abettors until exculpated by evidence.

I am entirely conscious of the difficulties ordinarily attending such prosecutions in a country so disturbed as Peru unhappily has been, but in this particular instance the authorities were in position to act summarily and vigorously, and should have followed up the report of the sub-prefect of Pacasmayo and the subsequent medical investigation by immediate examinations, not only of the people at Tecapa, but they should have proceeded at once to find the criminal in the ranks of the army where he was known to be.

Accept, &c.,

S. L. PHELPS.

[Inclosure 3 in No. 206.—Translation.]

PRIMARY COURT OF CLAIMS OF THE PROVINCE OF PACASMAYO.

Containing a certified copy of the official inventory of the effects of the American citizen, Owen Young, and provisional trust, made the 18th of December of the current year.

Judge of the primary court of claims, Dr. Don José A. Urtéaga.

Registrar, the undersigned notary public of the state.

ANDRÉS ALVAREZ.

PRIMARY COURT OF CLAIMS OF THE PROVINCE OF PACASMAYO.

I certify that in compliance with the verbal order of the judge of first instance of the province of Pacasmayo, Dr. Don José Asencio Urtéaga, I proceed to make a certified copy of the proceedings on the inventory of the effects of the late American citizen Señor Owen Young, Don Julio Silva being the custodian of said effects, whose papers copied literally are of the following tenor:

Official order appointing the person to make an inventory of the effects of the late Young previous to placing them in trust and appointing a day.

SAN PEDRO, December 18, 1884.

The sub-prefect of the province not having up to this date answered the note which I addressed him in order that he might seal and place provisionally in trust the effects and the house of the deceased American citizen, Mr. Owen Young, the court established itself at the hacienda Tecapa, in the house which was inhabited by the aforesaid deceased, for the purpose of proceeding to make inventories and the consequent trust, and in as much as up to date no interested party has presented himself to whom per-

tains hereditary rights, being mindful of the urgency of the case and in guarantee of the rights of those who are lawful heirs, by the authority in me vested, I appoint as an expert Don Felipe Matute, anticipating his acceptance and oath, and of the custodian of the effects, Don Julio Silva, according to him as compensation the fees which the law allows to executors of wills, and Sunday, the 21st of the current month, is designated as the day appointed for the transaction of the business.

URTEAGA.

ANDRÉS ALVAREZ.

Notification to the expert, Don Felipe Matute.

On the same day, and at 2 o'clock of the same, was made known to Don Felipe Matute the foregoing order.

Signed and certified.

MATUTE.
ALVAREZ.

Another to the custodian, Don Julio Silva.

On the proper day, and at 1 p. m., was made known to Don Julio Silva the foregoing order.

Signed and certified.

SILVA.
ALVAREZ.

Oath of the expert.

On the same day, and at 2 p. m., appeared in court Don Felipe Matute, with the object of taking the oath required by law, and it having been duly administered, he voluntarily agreed to discharge well and legally the duty which had been committed to him, and signed by the judge and certified.

URTEAGA.

F. MATUTE.

ANDRES ALVAREZ.

Oath of the custodian.

On the proper day, and at 2.30 p. m., appeared in court Don Julio Silva, with the object of taking the oath required by law, and it having been duly administered, he voluntarily agreed to well and legally discharge the duty which had been committed to him, and signed by the judge and certified.

URTEAGA.

JULIO P. SILVA.

ANDRÉS ALVAREZ.

Act of those who took the inventory.

At the hacienda Tecapa, on the 21st day of the month of December, 1884, at 12.30 p. m., met his honor the judge of the primary court of claims, Dr. Don José Asencio Urtéaga, associated with me, the undersigned notary public, an expert, Don Felipe Matute, and of the custodian, Don Julio Silva, with the object of making an inventory of and placing in trust the effects of the deceased American citizen, Mr. Owen Young, and an inventory was made in the following order: Five sacks of cotton, 19½ sacks of rice in the hulls, 8 yokes, 2 iron beams, 2 carts, 6 chains, 1 steelyard for weighing wood, 1 grindstone, 1 American plow, 1 house of two rooms, one of wood and the other of Guayaquil cane; 1 hanging clock, 1 sideboard, 1 table, 6 lamps (used), 1 small table, 3 halters (used), 1 portable clothes-rack, 1 pair pincers, 1 bullet-mold, 1 paring-chisel, 1 whetstone, 1 file, 1 chisel, 1 large hammer and 1 small one, 1 small iron bedstead and 1 bed, 1 American chair, 2 arm-chairs, 1 hair-cloth chair, 1 lantern, 10 turkeys, 7 ducks, 15 chickens, 2 pails (used), 3 large hogs, 1 plow of the country, 1 large field of alfalfa, another small, the whole comprising 1 fanegada (8 acres); 4 yokes, 2 cows, 3 calves, 1 horse, 1 donkey, 1 young bull, 12 axes (used); and there being no more effects to inventory, his honor terminated the proceedings, directing the custodian to take charge of the effects according to the law of trusts, and the following was signed by his honor before me, of which I certify.

The following sums due are added to the inventory of effects: from the peon Francisco Ecurra, three hundred soles paper; Pedro Ecurra, two hundred soles paper; and of others, which are evident, from a book amounting to one thousand three hundred and ninety-four soles paper, of which also I certify.

URTEAGA.

F. MATUTE.

JULIO P. SILVA.

ANDRÉS ALVAREZ,

Notary Public of the State.

At the same time, being present the judge of the primary court, there appeared before him the young man, George Young, who said he was the natural son of the deceased Owen Young, for whose benefit he was holding the effects of which an inventory had just been made. The judge demanded of him, first receiving from him the customary oath, that he should point out the other effects said to have been the property of his father, and he explained that besides those effects cited, which constitute the work in the proceeding, there should appear also those pertaining to a pasture of the same hacienda, and added on that day he had opened an American trunk, which was deposited in the house of Kauffmann, and found therein several pieces of gold which appear in the document which Don Remigio Saco holds in his possession. With that he concluded the act and signed the oath with the judge. I certify.

URTEAGA.

JORGE S. YOUNG.

ANDRÉS ALVAREZ, *Actuary.*

Fact of having added the extrajudicial inventory of part of the effects of the late Young.

I certify that at this point is added the extrajudicial inventory made on the part of the effects of the late Owen Young, it having been presented by Mr. George Young, who is said to be recognized as the natural son of the deceased, and the judge of the primary court of claims, Dr. Don José Ascencio Urtéaga, having ordered it, follows the judicial proceedings of the intestate; and that the aforesaid document added to it as follows:

Extrajudicial inventory.

SAN PEDRO, December 23, 1884.

Andres Alvarez, actuary.

The children of the late Owen Young, having desired to know the contents of a trunk deposited in the house of Messrs. Kauffmann & Co. in this port, and which belonged to said deceased, I proceeded, in the presence of those who sign below as witnesses, to make an inventory of the contents of the trunk, which resulted as follows: Two pounds sterling, one piece of Bolivian gold (\$2), 5 pieces of Chilian gold (\$1 each), 58 soles, and 30 cents, silver money, and one Chilian \$2 gold piece, one link button, broken, and one hair guard, broken; and the quantity found being so counted, the articles mentioned were delivered to Mr. George Young, the son of the late Young.

To which we sign in Pacasmayo the 21st of October, 1884.

Witnesses:

REMIGIO SACO.

MANUEL F. HERRERA.

ALEXANDRO RODRIQUEZ GUERRA.

A. W. GOUDARD.

KAUFFMANN & Co.

As it appears in the original of this case, which remains in my possession, in case it becomes necessary to certify and verify them.

Corrected and compared in the presence of the judge.

San Pedro, December 31, 1884.

ANDRES ALVAREZ,

Notary Public of the State.

Correct.

[SEAL.]

LOUIS E. MARQUEZ,

Chief Clerk.

No. 435.

Mr. Frelinghuysen to Mr. S. L. Phelps.

No. 110.]

DEPARTMENT OF STATE,

Washington, February 28, 1885.

SIR: I have to acknowledge the receipt of your Nos. 203 and 204.

The firm tone which has characterized your presentation of the case of the murdered American citizen, Owen Young, is particularly satisfactory to this Government, which can do no less than insist on the fullest measure of justice from Peru, in any and all aspects of the case.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 436.

Mr. S. L. Phelps to Mr. Frelinghuysen.

No. 213.]

LEGATION OF THE UNITED STATES,
Lima, March 4, 1885. (Received April 3.)

SIR: The Constituent Assembly met on the 1st instant, pursuant to its adjournment one year ago. It then adjourned to give opportunity to General Iglesias, whom it had elected provisional President with dictatorial powers, to establish internal peace in Peru. He was to convoke the Assembly whenever the country should be pacified; but pacification had not been reached, and it became a question with many whether the Assembly would be permitted to convene on the day fixed by itself upon adjournment.

The Government, however, caused the Assembly, of which hardly more than a quorum appeared, to be opened with very marked display. All the troops at its command were on parade and the President repaired to the hall of Congress, accompanied by all the highest dignitaries of Government, in full dress. The diplomatic corps attended also in full dress, as were the deputies themselves.

The speech read by the President was replied to by the presiding officer of the Assembly in highly courteous terms, but there is in the remarks rather an insinuation that with a year in time and dictatorial powers, the general had not been successful or happy in the measures adopted.

Since the opening, the Assembly has received many propositions of its members respecting the future of the Government. A numerous party desires conciliatory measures with Cáceres and an early election of President and Congress. Another party desires that the present régime shall be extended, with all its present powers, in order that a peace may be reached through the military power. Yesterday the debate became somewhat excited, and personal charges were interchanged freely, while the people witnessing the excitement cheered those who advocated conciliation. The debate will be resumed to-day, and there are those who anticipate disturbances as the final issue.

It is unquestionably true that however much the country desires peace, there is hostility to the Government of Lima of such general character, arising partly in the distrust of the people composing its leading members, but mainly from the part played by Chili in its establishment, that disturbances will become imminent should the Assembly fail to provide for an election. This feeling is being encouraged by the partisans of Pierola, whose power with the masses is still great.

Meanwhile, General Cáceres has begun an offensive movement from Arequipa and threatens Ayacucho, where the Government has considerable forces under Mas. It is hardly possible that Cáceres would have begun this march without feeling well assured of his influence with the Indians in that vicinity. These, incited by him, rose upon the strong Chilean division under Uriola, driving it out of that department with heavy loss. The same force attacking Mas would destroy his division, although perhaps 20 per cent. are Chileans, very considerable numbers of whom have enlisted in the Peruvian army, frequently occupying positions as subaltern and non-commissioned officers, and adding much to the fighting qualities of the force in which they serve.

The condition of the country has not materially improved. Its business has declined. Constant interference with tariff, taxes, dues, &c., makes all enterprises hazardous. The customs, with charges strained to the utmost, decline, and paper money has fallen to one-eighteenth of

its face value. Fights with bands of montoneros are frequent, and many hardships are experienced in the interior from the exactions of the soldiery and sub-officers of departments. The public distrust is increased by want of confidence in the action of some high officers affecting the paper currency.

Contracts for railway extensions of importance to the country have been made with Americans of standing, and will doubtless be carried out when peace shall have been established.

In general, where the Government is in uncontested possession, peace and personal security prevail.

I have, &c.,

S. L. PHELPS.

No. 437.

Mr. S. L. Phelps to Mr. Frelinghuysen.

No. 215.]

LEGATION OF THE UNITED STATES,
Lima, March 13, 1885. (Received April 3.)

SIR: Since the date of my last communication the Assembly has discussed various projects regarding Government, and has become divided into two distinct parties, one desiring to continue the government of General Iglesias with the same powers it has hitherto exercised until the country shall be pacified, and, as a consequence, the continuance of its own existence until it shall have subsequently provided for a government, and General Cáceres meanwhile shall be put down by military force. The other desires to provide for an election in the near future of a President and of Congressional deputies, and the appointment of a commission to General Cáceres with a view to making peace with that chief. The former, so far, has a decided majority. Free discussions, a résumé of which is published in the daily papers, are evidently beneficial.

The financial and commercial conditions of the country constantly decline.

There are reports of uprising of Indians in Huaraz and of trouble at Truxillo, and some rather hurried movement of troops would rather appear to confirm those reports.

Except as showing the state of anarchy still existing away from the vicinity of the capital, such events have little influence upon the problem of establishment of lawful Government, which seems to be one of peculiar difficulty for this unhappy people.

I have, &c.,

S. L. PHELPS.

No. 438.

Mr. Bayard to Mr. S. L. Phelps.

[Extract.]

No. 113.]

DEPARTMENT OF STATE,
Washington, March 16, 1885.

SIR: I have to acknowledge the receipt of your No. 206 in further reference to the murder of Owen Young, a citizen of the United States, and to approve the tenor of your note of February 6 last to the minister

of foreign affairs, touching the inadequacy of the measures theretofore taken for the apprehension of the assassin, a soldier in the Peruvian army. The non-examination of those known to have witnessed the murder is hardly consistent with the statement that due diligence has been exercised. * * *

I am, &c.,

T. F. BAYARD.

No. 439.

Mr. S. L. Phelps to Mr. Bayard.

No. 226.]

LEGATION OF THE UNITED STATES,
Lima, April 4, 1885. (Received April 29.)

SIR: The Assembly having organized itself into two chambers, Senate and House, has found time after considerable debate to order a commission to be sent to Cáceres, and will itself appoint the members from its own body, calling upon him to surrender, conditioned upon a recognition of this Government, he being guaranteed that the constitution of 1860 shall be immediately proclaimed, and an election of a President and a Congress be ordered within a brief period. I have been asked to communicate the intelligence by cable to General Cáceres to-night, and to ascertain if he will receive the commission.

I have also just received an appeal from Americans and others at Huaraz, setting forth the deplorable condition of affairs there growing out of the imposition of burdens upon the Indians, who have risen *en masse*, possessed themselves of the department, and are sacking, pillaging, and assassinating. The Government force of 500 men is represented as unable to cope with the mob of infuriated men whose arms are largely clubs.

An American from Ayacucho tells me that when he left there, less than a month since, the Indians were giving much trouble to the Government force of 1,500 men under General Mas.

General Cáceres has 4,000 men in the departments of Arequipa, Puno, and Cuzco, and is apparently awaiting the coming of the dry season, or possibly the action of the Lima Government in respect to elections.

I am rather pleased to be able to state that it is reported that Colonel Puga, one of the notorious northern chiefs, has been shot in a vendetta fight.

Paper money is now ruling at about 5 per cent. of its par value, and business is paralyzed.

I have, &c.,

S. L. PHELPS.

No. 440.

Mr. S. L. Phelps to Mr. Bayard.

No. 230.]

LEGATION OF THE UNITED STATES,
Lima, April 11, 1885. (Received May 5.)

SIR: In my communication No. 226 it was stated that the Indians had risen and driven the Government officials out of the department of Ancachs, and that I had a petition (as dean of the diplomatic corps)

from Americans and other foreigners resident in Huaraz and neighboring places, asking that the President should be requested to send a force sufficient to protect their lives and property. I gave immediate attention to the matter, and General Iglesias told me a steamer had been sent to land a force at Casma sufficient to re-establish order.

The peace commission on the part of the Assembly has not yet left for Arequipa, General Cáceres not having been heard from in reply to the telegram asking if he would receive the gentlemen.

The affairs of the country are becoming worse; paper money has fallen still further, and business is arrested, while distress is general.

I have, &c.,

S. L. PHELPS.

No. 441.

Mr. S. L. Phelps to Mr. Bayard.

No. 235.]

LEGATION OF THE UNITED STATES.

Lima, April 25, 1885. (Received May 18.)

SIR: The condition of Peru has become even more deplorable through civil war and outbreaks of the Indians who have risen in various sections and appear to make themselves generally masters of the situation. The insurrection in Ancachs, heretofore reported, appears to have assumed greater proportions, while it is reported that Ayacucho has been captured by a division of Cáceres' forces, assisted by Indians, and it is at least certain that the city has been surrounded by a hostile body of the aboriginals for some time. Reports are also spreading in respect to an uprising in the department of Junin, and the overthrow of the Government.

General Cáceres, as far as can be learned, is moving with some celerity upon the interior departments, and such is the variableness of this people that his prestige has revived, and the lower classes, as I found in the mountain regions, are expecting his arrival in Lima.

The Government, it would seem, has resolved upon awaiting this event in Lima, intending to have the contest here where its troops can possibly be held in hand, or, at least, more relied upon than if sent to distant places.

Upon the whole it seems probable that Lima will again become, within a few weeks, the scene of conflict, while the expectation is widespread that the present Government will be unable to maintain itself.

I have, &c.,

S. L. PHELPS.

No. 442.

Mr. S. L. Phelps to Mr. Bayard.

No. 238.]

LEGATION OF THE UNITED STATES,

Lima, May 1, 1885. (Received May 26.)

SIR: Inclosed herewith is a copy of a letter addressed by me to the minister of foreign relations in regard to the assassin of Owen Young.

Mr. Urrutia, in interviews, has uniformly stated that he was expecting replies to inquiries made by him of the court at Pacasmayo. If such have been received they have not been made known to me.

I have, &c.,

S. L. PHELPS.

[Inclosure in No. 238.]

Mr. S. L. Phelps to Mr. Urrutia.

LEGATION OF THE UNITED STATES,
Lima, April 28, 1885.

SIR: I have had the honor to speak with your excellency several times, asking for information concerning the action of the courts at Pacasmayo relative to the assassination of Owen Young at the hacienda of Tecapa, and I feel it to be an imperative duty to insist upon prompt and vigorous action, which has hitherto been wanting on the part of the Government of Peru, to secure the punishment of the criminal.

Dispatches from my Government reveal an anxiety and clear purpose in respect to his condemnation and to the indemnification of the dead man's family. It should be apparent to your excellency how simple the investigation really is, the search for the man being confined to one hundred men in the Government service, one of whom commits a brutal and wanton murder in the presence of more or less of his comrades. The men are all soldiers, and therefore known to their commander. He and they are all accomplices while concealing the perpetrator of the crime and failing to give information regarding him. Had it been the real purpose of the authorities at Pacasmayo, civil or military, to bring the man to trial, he would have been condemned by court-martial long since for his more than brutal crime.

I greatly regret the need there is to use urgent terms, but I feel that the case is perfectly clear and that all the circumstances attending the crime call for its fullest satisfaction, while the safety of foreign residents in Peru will be greatly jeopardized should the assassin escape the penalty of death.

I avail, &c.,

S. L. PHELPS.

No. 443.

Mr. S. L. Phelps to Mr. Bayard.

No. 241.]

LEGATION OF THE UNITED STATES,
May 16, 1885. (Received June 16.)

SIR: Rumors come to us from all quarters of Peru of disturbances, marauding bands, and anarchy, but reliable information rarely reaches us. The city of Truxillo is threatened with seizure by montoneros, and the entire north is represented as overrun by bands, while the interior is in little better condition.

General Cáceres's movements are the subject of infinite reports, but all that appears to be certain is that the Government forces in the region between Ayacucho and Junin have retired before him, and that the general is moving in this direction.

The Government has concentrated most of its forces in and about Lima, the possession of which is vital.

A change has been made in two of the cabinet portfolios—the departments of justice and of government—Mr. Saldivar giving place to a priest named Tovar, and the ministry of government made vacant some time since by the resignation of Aliaga being now filled by the appointment of Joaquin Iglesias, a brother of the President, who is made chief of the cabinet, and therefore successor to the Presidency in case of ac-

cident to the President. The President, the Vice-President, and the general-in-chief of the army are three brothers.

An uneasy feeling exists here, while the people have lost spirit and appear hopeless of a better condition for the nation.

I have, &c.,

S. L. PHELPS.

No. 444.

Mr. S. L. Phelps to Mr. Bayard.

No. 244.]

LEGATION OF THE UNITED STATES,
Lima, Peru, May 21, 1885. (Received June 16.)

SIR: I have this day telegraphed you to the effect that Truxillo having been captured by the revolutionists, and the railroad operated by Americans having been seized by them, this Government has already closed several ports, and will probably also close Salaverry. The presence of a war vessel on the coast is rendered necessary by reason of the revolutionary movements, and that the Shenandoah should be ordered to proceed to Salaverry.

Salaverry is the port of Truxillo, which is the most important town in the north of Peru. A railroad runs thence by way of Truxillo towards the interior, and is leased to an American citizen. The band after capturing the city seized the road and put persons in charge to take the money received from the traffic, leaving the trains to be managed by the road people.

The Government has closed Mollendo, Islay, Lomes, Chala, and Quilla, those ports being in possession of the followers of Cáceres. The ports in the department of Libertad are likely to be closed, as the Government apparently is unwilling or unable to send forces to maintain its authority in places distant from Lima.

Something over 3,000 of the Government troops are now in occupation of Huancayo, while Cáceres has a still larger force in Huancavelica, some thirty leagues from Huancayo. A battle, it is expected, will be fought either upon that line of approach or upon the coast, as Cáceres may elect to take the route via Ica. The battle, wherever fought, it is likely will decide the fate of this Government.

Meanwhile the lives and interests of foreigners are in peril wherever operations are being conducted, and at those ports falling into the hands of roving bands acting in the name of Cáceres. A ship on the coast can do much by proceeding to such points. Salaverry is now the place where one is needed, as the band in possession has committed excesses already, and may at any time imprison the railway people or destroy the property, and there is no consular officer there or at Truxillo.

Very respectfully, &c.,

S. L. PHELPS.

No. 445.

Mr. Bayard to Mr. S. L. Phelps.

No. 129.]

DEPARTMENT OF STATE,
Washington, May 29, 1885.

SIR: I have received your No. 238, of the 1st instant, and it gives me pleasure to commend the vigorous terms of your note of the 28th ultimo to the minister of state in the case of the assassin of the American

citizen Owen Young, who to all appearance could have been apprehended and brought to trial many months ago if the action of the Peruvian Government had at all corresponded to the proper vigilance which you have exercised in the case. Your observation to the minister touching the jeopardy in which the lives of other American residents of Peru would be placed were this guilty person to escape was especially pertinent, and this consideration is of profound interest and importance to the Government of the United States. You can take occasion to remind his excellency that a continued failure of justice in this case cannot well fail to bring the matter to the attention of the Representatives of the United States in Congress assembled.

I am, &c.,

T. F. BAYARD.

No. 446.

Mr. S. L. Phelps to Mr. Bayard.

[Extract.]

No. 246.]

LEGATION OF THE UNITED STATES,
Lima, Peru, June 6, 1885. (Received June 25.)

SIR: I have this day sent you a cablegram to the effect that the revolutionary troops have mostly disbanded without fighting. The port of Mollendo has been declared open, and there is every probability that there will be no battle.

The revolution is virtually ended. An active skirmish occurred on the 25th ultimo, evidently accidental, which the Government magnified into a battle and victory over General Cáceres, and so cabled it. The details as they came in clearly proved, however, discontent amongst the revolutionists, and the only conclusion could be that their overthrow was a simple question of time. I did not cable you in consequence of the discredit given to the Government's versions. Now, the news of the dismemberment, and desertion in part of the best battalions General Cáceres had, leaves no doubt that he has found it impossible to keep his unpaid and ill-supplied men together. His abandonment of Izcuchaca, a very strong position, where it was only necessary to hold a bridge, conclusively proves the desperate position in which he was placed. Chiefs of marauding bands will have to be hunted down, even after General Cáceres has disappeared from the scene, but the revolution practically is ended.

The Government is decreeing the reopening of ports closed by former decrees, which were issued in the full knowledge of the foreign office that they would not be allowed to injuriously affect American shipping or interests, except where a force afloat or on shore was present to enforce the mandates.

I wish it were in my power to express the hope that Peru may now enter upon a march towards recuperation, but I feel this is not probable.

* * * * *

I have, &c.,

S. L. PHELPS.

No. 447.

Mr. S. L. Phelps to Mr. Bayard.

No. 249.]

LIMA, PERU, *June 13, 1885.* (Received July 8.)

SIR: By the last mail hence I had the honor to communicate such intelligence respecting the situation of the civil war in the interior as appeared in the Government reports and seemed fairly reliable.

It now appears that the commander of the army was largely deceived as to the condition in General Cáceres's camp, but how a failure in an attack at that point was reported as a success is not understood. The Government force was, in fact, compelled to retire, and was harassed greatly by Indians and montoneros. Now we learn that the Government force has retreated upon Jauja; that General Cáceres's men did not disperse, as stated; that General Cáceres was re-enforced and has assumed the offensive in some form.

The montoneros are intrenched at Truxillo, and the Government declines to attack them. It has the ports in that section closed, and several important ones to the south remain still closed by decree, and the Pacific Steam Navigation Company submits to the action, not visiting these ports.

The Government has occupied Mollendo, but we have no news of any movement against Arequipa itself.

The montoneros are very active in all sections of the country. Upon the whole, peace appears to be farther off than it did a week ago.

The Indians and montoneros are devoted to General Cáceres and resort to all kinds of practices to deceive the Government, whose commander-in-chief operates in a hostile country, so that people in Lima know little enough of what is really transpiring.

I have, &c.,

S. L. PHELPS.

No. 448.

Mr. S. L. Phelps to Mr. Bayard.

No. 251.]

LEGATION OF THE UNITED STATES,
Lima, Peru, June 20, 1885. (Received July 16.)

SIR: I have heretofore given you information respecting the revolution derived from Government official reports, and these have proven wholly unreliable, in part because the commanding general of the Government forces practically operates in an enemy's country, all the people being hostile and disposed to mislead in answer to all inquiries. The general reported himself flanked. The Government armed for defense here and knew not what to expect.

Now it would seem that the forces of the Government and of General Cáceres are near each other; that General Mas finds hordes of Indians and numerous guerrillas about him, and that General Cáceres's force has so grown in the estimation of the Government that 500 men were hurried by railway up to Chicla, en route to re-enforce General Mas, but it has not passed beyond Chicla.

The situation, then, is very much changed from what was recently believed to be and hoped for at the palace. I am informed that Mr. Tovar, minister of justice, with full powers to treat, is to go at once up to negotiate for peace. The minister is a priest, and another priest in

the interior who is a personal friend of both Mas and Cáceres has been making an effort to bring about an understanding and peace. The result has been the departure of the minister.

In the north the montoneros reign supreme, and the expedition sent to Mollendo has not captured Arequipa.

I have, &c.,

S. L. PHELPS.

No. 449.

Mr. Buck to Mr. Bayard.

[Extract.]

No. 7.]

LEGATION OF THE UNITED STATES,
Lima, Peru, July 4, 1885. (Received July 27.)

SIR: Respecting the political situation here, it seems no military news is permitted to be published except under censorship. Two days ago two newspapers, "El Comercio" and "El Pais," the latter Pierola's reputed organ, were fined 500 silver soles each for exercising too much liberty, according to the Government standards in this decision.

The port of Mollendo and Arequipa were abandoned weeks ago by General Cáceres, and he has been for some time reported at Huancayo. It is thought he has with him perhaps 2,500 men, badly clothed and shod, and with little money, but well armed and provided with ammunition, obtained through Bolivia. Señor Tovar, minister of justice, has been on an errand of negotiation as commissioner from the Government to General Cáceres. He is reported to have met Dr. Chinario, General Cáceres's minister of foreign relations, at Santa Rosa de Ataura, a place between the two armies declared neutral, and the news has just been given out to-night that General Cáceres in a communication dated June 30, sent to General Mas, the commander of the Government troops, declares the mission confided to Señor Tovar is only to prolong influence of Chili in the affairs of Peru, and General Cáceres proposed to General Mas, to join forces and overthrow General Iglesias in Lima. To this communication General Mas made no reply, but sent the letter of General Cáceres to the Government.

Thus seems to end in failure the fourth attempt which has been made to bring about a pacification.

* * * * *

I have, &c.,

CHAS. W. BUCK.

No. 450.

Mr. Buck to Mr. Bayard.

No. 13.]

LEGATION OF THE UNITED STATES,
Lima, Peru, July 11, 1885. (Received August 3.)

SIR: Since my dispatch of last week the political outlook has materially changed, if latest information received here can be relied upon. It is impossible to predict from one day to another what may happen. I can only give what appears from the most reliable data obtainable.

On the 8th instant a letter from General Mas, dated the 5th instant, was published in "El Campeón," the Government organ, and in the other papers, in which it is stated the armistice terminated on the 3d

instant, and a fight took place on the 4th near Jauja. General Mas confesses serious losses, and only claims that he held his position.

Last night the news was published that General Mas was falling back on Chilca, the present terminus of the Oroya Railroad, some eighty-odd miles, perhaps, from the former position of the Government forces at Jauja.

There appears to be little doubt but that the Government has lost ground and suffered reverses. It is further reported that General Cáceres is moving by a shorter route across the Cordilleras to cut off Mas' communication with Lima at some point on the railroad, possibly in neighborhood of Matucana.

Perhaps it is sufficiently certain that Cáceres refuses to treat with the Iglesias Government, declaring as his ultimatum that Iglesias must retire, a provisional Government be formed in place of the present one, and a free election be held under its auspices; and he avows himself willing to abide by the result.

A car has been sent to Chilca to bring back Señor Tovar, the member of the cabinet sent by the Government to treat with Cáceres, and his arrival is expected here to-day.

The Government forces, about 800 men, with four field pieces and two machine guns, have been withdrawn from Mollendo, and they arrived here on the night of the 9th inst. Probably the government now has in Lima about 25,000 men. General Mas is supposed to have somewhere near 3,500 or 4,000 men; and Cáceres's forces are variously stated; but the montoneros and people all through the valley of the Jauja are said to be in sympathy with him. He is reported to have started on his march from the south with 4,000 well-armed men. On his way through Cuzco he is said to have been enthusiastically received by the people there, and to have received an addition to his forces of several hundred men.

The conviction prevails here that matters are approaching a crisis, and to the general feeling, so far as I can observe, the crisis promises to be unfavorable to the Government. All sorts of reports are afloat. There are rumors suggesting the disaffection of General Mas, and an understanding between him and Cáceres, but it is useless to speculate upon their reliability.

The Government a few days ago purchased the steamer Santiago, formerly one of the mail steamers, and she is now equipped for use in the Callao Bay.

I need not attempt to draw inferences as to what may occur in the proximate future here.

I have, &c.,

CHARLES W. BUCK.

No. 451.

Mr. Buck to Mr. Bayard.

No. 18.]

LEGATION OF THE UNITED STATES,
Lima, Peru, July 25, 1885. (Received August 15.)

SIR: Since my last the Government has withdrawn its forces to the vicinity of Lima, leaving General Cáceres in the possession of pretty much the whole of Peru outside of the capital and its surroundings. General Cáceres is reported to be at Tarma, regarded as the gateway between Lima and the interior, some 150 miles from here.

On Monday last, upon occasion of the return of the troops from Chilca, a review was held in this city, and President Iglesias, in a long proc-

lamation, which I have not time to have translated, states in substance that he has done all he could to secure peace, and now he proposes to fight it out with Cáceres.

On Tuesday a force, said to consist of about eleven or twelve hundred men, though some accounts make it much less, including the Truxillo battalion, from the President's own section in the north, and in whose loyalty he seems to place special trust, were sent up the Oroya Railroad to Chosica, some thirty-odd miles from the capital.

The situation appears to be a "stand-off" for the present. (General Mas has withdrawn or been withdrawn from command and is quietly in Lima. He is suffering from some malady of long standing, and it is reported will go abroad.)

Cáceres is likely not strong enough to attack Lima, but is able to hold the interior, and for the present, at any rate, the Government is too distrustful of its forces or its power to hazard active campaigning against him. It appears now that Arequipa was never abandoned by the Cáceristas, and when the Government troops reached the place they were repulsed, and upon returning to Mollendo sailed for Callao without much tarrying.

I am informed that double duties are now collected at Mollendo, the Government steamer in front of the place exacting duties before the landing of goods, and a handful of Cáceristas in the town levying duties also.

The prospect for peace seems more remote than when I wrote last, negotiations having been abandoned, and both parties confronting each other, apparently without any prospect of decisive action, if indeed, under the circumstances, any hostile movement could prove decisive.

I have, &c.,

CHARLES W. BUCK.

No. 452.

Mr. Bayard to Mr. Buck.

[Extract.]

No. 9.]

DEPARTMENT OF STATE,
Washington, July 30, 1885.

SIR: Referring to instruction No. 129, of May 29th last, I have to ask that you will report in the case of Owen Young, the American citizen, whose assassin, notwithstanding the vigorous action of the late minister at Lima, had not at last accounts been arrested. Meantime you will please refer to the correspondence in the case and press the subject of the assassin's arrest. * * *

I am, &c.,

T. F. BAYARD.

No. 453.

Mr. Buck to Mr. Bayard.

No. 21.]

LEGATION OF THE UNITED STATES,
Lima, Peru, August 7, 1885. (Received September 4.)

SIR: No incident of decisive interest has transpired since my last reference to political conditions. There has recently been published in

the Lima papers a long manifesto of General Cáceres, in which he reviews the late attempt at negotiations for peace. He states his ultimatum in substance as follows :

The supreme court shall assume the supreme power of the Republic, with the exclusive object of designating a provisional government which shall be recognized and supported by both Cáceres and Iglesias, and by which general elections shall be called for a constitutional Congress, President and Vice-President of the Republic, and neither of the two generals referred to shall be a candidate ; *or*, Generals Cáceres and Iglesias, exercising authority in the territories over which they govern, shall simultaneously call for general elections, recognizing the status of the present order of things. The constituent Congress to be thus elected shall assemble in some part of the Republic where no armed force belonging to either leader may exist. The Government thus chosen by popular vote shall be recognized by both generals, and they shall deliver over to it all the material they possess. The manifesto is dated Tarma, July 10, 1885. General Cáceres charges that the Government knew in advance his views, and that Señor Tovar's mission did not cover any real desire or purpose to bring about peace. He reavows his purpose never to lay down arms until Iglesias retires or is driven from power.

The Government, it is thought, was fearful of trusting the army under its old organization after General Mas tendered his resignation ; and for the purpose of injecting sufficient fresh and more reliable elements into the ranks, and of re-officering the troops with more trusted servants of its own, withdrew the army to Lima concurrently with the return to the capital of Señor Tovar and General Mas.

Perhaps this purpose has been measurably accomplished ; and there appears some disposition to reach outward again. Last week upwards of one hundred men were sent to Pisco, something more than a hundred miles southward, and on Saturday last a force under command of General Ramirez, consisting of 80 artillerymen, with four guns and two Gatling guns, the battalion "Regeneration" No. 1, and police columns (which, by the way, are Government troops of the line) Nos. 1, 2, and 3, making in all some 1,000 men, embarked for the north, with Truxillo most likely in view as the objective point.

The Government must have about six hundred men already at San Pedro, which is, say, 85 miles distant by land from Truxillo. The latter place is occupied by Cáceristas with a force eight hundred or a thousand strong, and with a guard at Salaverry, its port, distant about 7 miles. They also have a force of perhaps upwards of a hundred men at Chimbote, some 26 leagues south. The port of Salaverry is closed, but not so that of Chimbote. This discrimination in favor of the latter place possibly results, as has been suggested, from the fact that some estates dependent on it as a port are owned by parties near the Government in Lima, and it is necessary to permit access for shipment of their sugar and other products. However this may be, interests in the north center about the important city of Truxillo ; and I am given to understand at the palace the Government proposes to recapture the place, and thereby reassume control of the north and relieve foreigners of the exactions of, and outrages perpetrated by, the Monteneros.

Some time ago the foreign citizens at Truxillo, admonished by their experiences when the place was captured before, united, through their consular representatives, in petitioning the commanders of both forces to respect and protect foreign property in case of a battle ; but both sides gave them to understand if a battle occurred they would have to take their chances. When the Government took the place in October

last there was some bloody fighting, the place was sacked, and many foreigners suffered.

I was to-day told by Mr. Braun, the Bolivian minister, that arrangements had been effected by which, upon the giving of guarantees, that goods shipped by way of Mollendo to Bolivia are to go through without stoppage at Arequipa, they shall be exempted from duties both by the Government and Cáceres forces.

Perhaps the position of Bolivia is of too great importance to both parties for either to continue their predatory exactions upon her commerce. It occurs to me there may be something more than mere commercial significance in this, for Mr. Braun remarked at the same time that he thought the civil war would end and matters be settled in two or three months. I have not observed any publication of this important matter in the papers, and the first I heard of it was from the Bolivian minister. This arrangement was effected some eight days ago; and there is at least coincidence between it and the fact that only a few days afterward occurred the embarkation of troops for both the south and the north, as already stated. This is, however, merely an inference of my own.

I have, &c.,

CHAS. W. BUCK.

P. S.—August 8, 1885. Since writing the above I find this a.m. that some four hundred troops, possibly more, were sent from here to Chosica last night. There must now be at that point about 1,500 men, if all that have been sent up are still there. The Government permits no communication of news from the other side of Chosica. As the railroad is closed to trains except such as move under orders, nothing is known of what happens beyond.

No. 454.

Mr. Buck to Mr. Bayard.

[Extract.]

No. 22.]

LEGATION OF THE UNITED STATES,
Lima, Peru, August 7, 1885. (Received September 4.)

SIR: * * * * *

Referring again to your No. 129, of May 29, commending action of Mr. Phelps in the Owen Young case, I regret I have to report that, although a communication has long been promised, to which fact I referred in my No. 17, nothing from the foreign office has been received on the subject at this legation. In view of this fact, on the 4th instant I addressed a note to the minister of foreign relations, of which I inclose a copy.

* * * * *
I have, &c.,

CHAS. W. BUCK.

[Inclosure in No. 22.]

Mr. Buck to Mr. Urrutia.

LEGATION OF THE UNITED STATES,
Lima, August 4, 1885.

SIR: I regret that I have to call the attention of your excellency to the fact that no reply has been received at this legation to the note written by the late minister of the United States, dated April 28, 1885.

I respectfully suggest to your excellency that former communications from this legation have placed the Government of Peru in possession of the facts respecting the assassination of Owen Young, an American citizen, at the hacienda of Tecapa, September 27, 1884, and even the names of witnesses have been supplied to facilitate the ends of justice.

Perhaps I should suggest that my Government approves of the vigorous note directed to your excellency, by the late minister, Mr. Phelps, on the date above referred to, and I regret that the continued silence of your excellency on the subject, seems to render it necessary for me to urge it upon your attention. With, however, the warmest hope that I soon may be able to report to my Government that the criminal who committed the murder has been punished, and such poor recompense has been made in the shape of a moneyed indemnity to the family of the victim as seems proper.

My Government feels profound concern respecting this affair, for immunity of the murder of Owen Young from due punishment can but be regarded as an evidence that American citizens are insecure in both life and property in Peru. For the honor and advancement of this Republic, if I may be permitted to express that concern resulting from a sincere friendship on the part of my Government, as well as for the interests of our own citizens, anxiety is felt that the criminal should be apprehended and punished, and that reparation should be made to the murdered man's family.

Instructions under very recent date from my Government advise that its minister here "take occasion to remind his excellency that a continued failure of justice in this case cannot well fail to bring the matter to the attention of the Representatives of the United States in Congress assembled.

I seize, &c.,

CHAS. W. BUCK.

No. 455.

Mr. Buck to Mr. Bayard.

No. 23.]

LEGATION OF THE UNITED STATES,
Lima, Peru, August 15, 1885. (Received September 4.)

SIR: In anticipation of a battle and the possible storming of Truxillo, and apprehensions existing among foreign residents, as stated in my dispatch No. 21 of last week, I had an interview with the minister of foreign relations, and requested of him that precautionary measures be taken for the protection of American citizens and interests in that vicinity, in view of prospective fighting.

The minister, Señor B. Garcia Urrutia, stated that General Ramirez had been placed in command of the Government forces with special reference to the protection of foreign residents, that he had great confidence in his prudence and had given instructions that every precaution compatible with the situation should be used to prevent excesses, such as were committed at the capture of the place last October, and for the protection of foreign residents and interests. Yet, in view of my statement, he would forward additional instructions by the first steamer.

Since my interview, however, Truxillo has been abandoned by the montoneros, who retired into the mountains, quitting the town on the 6th instant, two days before the Government forces reached it; so General Ramirez occupied the place on the 8th instant without resistance, and on the 11th instant sent some of his forces in pursuit of the retreating Cácerestas.

On the 10th instant, "Battalion Cajamarca No. 11," with some accompanying troops, left San Pedro (near Pacasmayo) for Cajamarca.

Salaverry, the port of Truxillo, was declared opened on the 13th instant. I have not heard from Chimbote, some 85 miles to the south of Salaverry, which has been recently occupied by a body of Cácerestas, stated to number 120 men, but with the abandonment of Truxillo I presume must follow also that of Chimbote, if it has not, as is most likely, been already vacated.

Huacho, the first port to the north of Lima, some 80 miles distant, was occupied by the montoneros on the 10th instant, but abandoned by them and reoccupied by Government troops two days later.

A convoy party of some 50 Government troops, with funds in charge, destined for Huaraz, was attacked by a force of montoneros some days ago, but the latter were defeated and Colonel Zarnudio, their commander, was taken prisoner.

On the 9th instant a party of Government cavalry started up the Oroya Railroad, and stopping off between Surco and Matucana, encountered a force of Cácerestas, and dispersed them with loss and capture of several prisoners. Another body of Government troops pushed to the north of the Oroya Railroad, and occupied Canta, which had been taken possession of by the Cácerestas. Canta is in a valley about 60 miles to the northeast of Lima.

It is also stated that an attack was made on the 9th instant by the Cácerestas on Government troops at Ica, some 130 miles southeast of Lima. The Cácerestas are said to have numbered 200, more or less, and to have been defeated. Thus it will be seen there has been displayed a marked activity by the Government of late, and the coast country has again been, at least partially if not quite, freed from the revolutionists. I trust, now, foreign residents in the north who have been subjected to all sorts of outrages and exactions, especially in the department of Libertad, will enjoy relief.

At Cerro de Pasco, the famous mining town beyond the crest of the Cordilleras, and the proposed terminus of the Oroya Railroad, the Cácerestas under Ferreyos have levied a forced loan on the business men of the place, not exempting foreign residents, with apprehension, as is stated, of a movement of Government forces southward.

The revolutionists have moved their custom-house from Mollendo to Arequipa. At the latter place they are still reported active, manufacturing ordnance, and using the railroad shops and machinery there for the purpose.

At Chiclayo, the prefect and commander of the department, Frias, has issued a decree levying on all sugars and concretes exported through the ports of Eten, Pimentel, San José, and Chéripa, a war tax of 3 per cent. on the customs valuation of same, which valuation will be for a metric quintal of sugar of the first class, 10 soles silver, 7 soles for second class, and 2 soles for concrete, all of the same weights and in the same money. There has been criticism of this action in the Lima papers, imposing, as it does, not only over-burdensome, but discriminating, taxation on those products in the section designated; and the probability is suggested that the Government will prohibit collection of such tax.

I have, &c.,

CHAS. W. BUCK.

No. 456.

Mr. Buck to Mr. Bayard.

No. 24.]

LEGATION OF THE UNITED STATES,

Lima, Peru, August 22, 1885. (Received September 15.)

SIR: I informed you in my No. 23 of the occupation of Canta by the Government troops. On the 15th instant the force in the town, composed, according to Government admission, of 350 men from the "Bat-

talión Cajamarca," 50 artillerymen, and 50 cavalry, the latter under Colonel Pachas (a famous negro desperado), were attacked by the Cáceristas, and, after five or six hours' fighting, defeated and dispersed. The Government claims the attacking force amounted to 2,000 men, more or less, and their troops dispersed only after exhausting their ammunition. No account of the affair has been published, except that permitted under Government supervision (as I have before stated the press here is under rigid censorship). The Government admits only a loss of 40 or 50 men, and claims that 200 are scattered in various surrounding places.

The truth seems to be, as generally believed here, that the Government forces at Canta numbered at least 700 men, and that these were utterly cut to pieces and dispersed, excepting a small force which cut its way out of the place under Colonel Pachas.

The Cajamarca battalion was the best in the Government service, and must have numbered upwards of 500 men; perhaps only 400 of these were in Canta. Lieutenant-Colonel Bustamante, who in a council of war the previous night had protested against a retreat, and whose advice prevailed, when he saw all was lost is said to have blown out his own brains.

Another account states that Pachas, in a fit of fury at the result, which he charged upon Bustamante, himself shot the latter. Col. Morales Toledo commanded the Cáceristas. Canta is in a little valley, which narrows into a ravine to the east and west of the town, and is surrounded by high hills. It seems the Government forces were advised the previous evening of the proximate locality of the enemy, but, urged by Colonel Bustamante to that course, they remained in the village, instead of seeking a more defensible position on the heights. Thus, shut into a pocket by a superior force, with several pieces of artillery, which could pound and dispatch the beleaguered at its pleasure, while enjoying comparative safety in inaccessible positions, the forces of the Government were, it can hardly be doubted, demoralized and helplessly slaughtered. The next day the Government forces left Chosica in haste, returning down the Oroya Railroad 10 miles to within 20 miles of the capital.

A cablegram from the north reports an insurrection in favor of Cáceres, at Piura, which is some 25 miles inland from Payta.

Of this I got no information which I can regard as definite.

The Government transport Peru has brought back 500 of the troops lately sent to Truxillo, as stated in my No. 23, leaving, as is claimed, 800 men still there.

There is published in *El Campeón* accounts of a successful movement under Dr. Gamarra, in Canches, which is a province in the southeastern part of the department of Cuzco, in favor of Iglesias; also, an account of the suppression of a proposed movement in Arequipa favorable to the Government, and the imprisonment of several parties and the imposition of fines.

There has been published in the Lima papers the list of persons at Cerro de Pasco, upon whom the Cáceristas prefect, Colonel Ferrieras, imposed a forced loan of 100,000 soles. Eighty-three names are given, with amounts opposite, varying from 20 to 16,000 soles, silver. Foreigners are not exempted, but in reality bear, perhaps, nine-tenths of the imposition in amount. I think there is no American citizen in the list, but Mr. M. C. McNulty, United States consular agent at Cerro de Pasco, for refusing to recognize a verbal order to appear before the prefect, was ordered under arrest, and a troop of soldiers were sent, likewise

with verbal orders, to seize him; meanwhile he had mounted his horse and escaped. He has for several days been in Lima, but, upon assurances since given to friends that no harm is intended him, he proposes starting back to-morrow. Besides the forced loan, there was also imposed by the prefect at Cerro de Pasco a war fine upon foreign residents upon the pretext that they had some time ago taken an active part in a disturbance opposing General Cáceres. I am informed, on one hand, that Cáceres has stopped these exactions, while on the other I am told the prefect is proceeding with the levys. I cannot tell which is the fact.

I have, &c.,

CHAS. W. BUCK.

No. 457.

Mr. Buck to Mr. Bayard.

[Extract.]

No. 25.]

LEGATION OF THE UNITED STATES,
Lima, Peru, August 22, 1885. (Received November 27.)

SIR: I have at last received from the foreign office a note relating to the Owen Young case, with inclosures, of which I send copies and translations.

It will be seen the Government * * * is profuse in its avowals of good purposes and zeal to comply with the demands of the United States that the culprit be punished. Perhaps its explanation correctly states the difficulties in the way, but it will also be observed no reference is made to the matter of indemnifying the family of the murdered man.

I have, &c.,

CHAS. W. BUCK.

[Inclosure in No. 25.—Translation.]

Mr. Urrutia to Mr. Buck.

LIMA, August 14, 1885.

MR. MINISTER: I have had the honor to receive your excellency's esteemed dispatch dated 4th instant, in which you manifest to me the delay of this ministry in giving the necessary reply to the dispatch of his late excellency. Mr. Phelps, of 28th April last, referring to the prosecution initiated in connection with death of the American citizen Mr. Owen Young; and in which you earnestly urge the writer for the quick termination of this process and the punishment of the culprit, in virtue of instructions your excellency has received from your Government.

It would have been very satisfactory for me to have been able to reply opportunely to the said dispatch of his excellency Mr. Phelps if the reports of the authorities of the department of La Libertad concerning the case of Owen Young, which had to serve as the basis of my reply, had been received by this ministry before the death of said diplomatic agent. But, as your excellency knows, the said department has since then been invaded by the freebooters of the rebel Ramon Flores, and the superior court of justice of La Libertad established in Truxillo has not been able to communicate any report to the ministry of justice. Nevertheless the eagerness which has animated and animates my Government for the conclusion of this case has made it depart from the regular course, through the said court of justice, and it has directed a dispatch direct to the judge of first instance of Pacasmayo that he keep this ministry constantly informed about the state of this case, as you will see by the certified copy which I have the honor to accompany attached to this dispatch.

The above-mentioned judge, under date 17th ultimo, advises having sent a dispatch to one of the criminal judges of this capital that he may take the declaration of

graduated Col. Belisario Flores, with which he will conclude the case in question as quickly as possible.

Said dispatch was returned with the respective act on the 24th July last. Everything induces the Government to hope that in a very short time more the desired end will be arrived at; and everything proves that official activity has not been wanting one instant in exacting the apprehension and legal punishment of the culprit who caused the death of Owen Young. So as to make the action of the law more active and energetic I have sent the ministry of justice a full copy of your excellency's dispatch, to which I have now the honor of replying, with the urgent note added to said copy.

It is very painful for the undersigned, that the duration of the case of Owen Young should have been interpreted by the Secretary of State of your excellency's Government as a want of justice, the continuation of which would prove that the lives and property of the American citizens in this Republic do not enjoy sufficient guarantees. To remove this erroneous idea, it is sufficient for your excellency to fix your attention for a moment on the circumstances under which the crime was committed, and on the logical and natural results.

Sent to the province of Pacasmayo a Government force in pursuit of the freebooters which were laying waste those districts, a fight took place in Tecapa, a plantation on which Owen Young resided, and which had been taken possession of by a band of rebels. These being defeated, it was when the death of the American citizen, Owen Young, took place, caused, according to the declaration of two eye-witnesses of said deed, and who were servants of Owen Young, by a soldier who considered him, Young, an accomplice of the freebooters, and who immediately left to join his dispersed companions in pursuit of the enemy. None of the witnesses named by this legation and scrupulously examined by the judge of the case have been able to give any indication of the name or features of the supposed association, thus increasing the difficulty of immediate action by the law, it having been obliged to amplify its judicial investigations even in this capital, so as to be able to appreciate the facts of the case, and subsequent identification of the culprit. This is the reason for the delay in the process, and, as your excellency will understand, there has been no reason for believing a want of justice; nor should such delay be thought for a moment to show that the life and property of citizens of the United States do not enjoy in Peru the necessary guarantees. Why the occurrence of a long criminal process is very frequent in all nations, but this has never served as the foundation to doubt the justice of a nation, and the guarantees it offers foreigners.

Peru has never omitted to give all kinds of securities to the persons and interests of subjects and citizens of other nations living in its territory, and even in the midst of her internal conflicts the foreigner in the sphere of the legal Governments has enjoyed the respect of the public and the benefits of his work, notably for its well-being and prosperity, the distinguished American colony, to which my Government has always granted the most decided protection.

The writer flatters himself with the certainty that your excellency in your uprightness and just criticism will allow the natural and unavoidable duration of the process initiated about the death of Owen Young, and the profound interest my Government has in the capture and punishment of the culprit, whoever he may be, and that you will manifest to the Government of the United States the loyalty of its proceedings, and its desire to remove all impediments to the frank and cordial relations which happily exist between both countries.

I repeat, &c.,

BALTASAR GARCIA URRUTIA.

[Inclosure 1 in inclosure in No. 25.—Translation.]

Mr. Tovar to Mr. Urrutia.

MINISTRY OF JUSTICE, &c.,
Lima, July 11, 1885.

In answer to your excellency's dispatch, dated 9th instant, I have the honor to tell you I have ordered it to be copied and sent direct to the judge of first instance of the Province of Pacasmayo, so that he can give account at once of the progress made in the process initiated on account of the assassination of the North American citizen, Owen Young, and in future he should do so by every steamer.

As communication between the city of Truxillo and this capital is interrupted in consequence of political disturbances, which, at the commencement or middle of the month of May last, took place in the former, it has been impossible for the superior court of

justice of La Libertad, which is the proper one to do so, to inform this ministry in regard to the prosecution of the process referred to. Complying with this duty, I have pleasure to advise your excellency for the ends it may serve.

God guard your excellency.

MANUEL TOVAR.

In conformity.
The chief official,
[SEAL.]

LUIS E. MARQUEZ.

[Inclosure 2 in inclosure in No. 25.—Translation.]

Mr. Tovar to Mr. Urrutia.

MINISTRY OF JUSTICE, &C.,
Lima, July 23, 1885.

The judge of first instance of the province of Pacasmayo, in a dispatch dated the 17th instant, says to this ministry, as follows:

"I have the honor to acquaint your excellency that through your worthy medium you may advise the minister of justice that in the criminal process which is being prosecuted in this court under my charge to discover the authors and accomplices of the assassination of the late American subject Owen Young, under date of 11th instant I forwarded a dispatch to one of the criminal judges of first instance in Lima that he may take the declaration of graduated Col. Belizario Flores in accordance with the indications made by the ministry of the attorney-general in its last judgment, and I supplicate that your excellency, within the limit of your action, order that the same be taken and immediately returned so as to be able to give a quick conclusion to this process."

I have the honor to transcribe this to your excellency for your knowledge and the ends that it may concern, begging to advise your excellency that I have directed the corresponding dispatch to the president of the superior court of justice of this district recommending that it takes due care that the declaration be taken as soon as possible, to which the requisitorial dispatch referred to in the note I have calls for.

God guard your excellency.

MANUEL TOVAR.

In conformity.
The chief official,
[SEAL.]

LUIS E. MARQUEZ.

[Inclosure 3 in inclosure in No. 25.—Translation.]

Mr. Tovar to Mr. Urrutia.

MINISTRY OF JUSTICE, &C.,
Lima, July 31, 1885.

According to the report issued by the criminal judge of this capital, Dr. Adolfo Villagascia, which has been forwarded to this ministry of the president of the superior court of this district, the requisitorial dispatch of the judge of first instance, of Pacasmayo addressed to one of the criminal judges of Lima, with the object of taking a declaration in connection with the process being prosecuted on account of the assassination of the North American citizen, Owen Young, was returned duly taken to the court of issuance on the 24th instant.

I have the honor to communicate this to your excellency for your knowledge.

God guard your excellency.

MANUEL TOVAR.

In conformity.
The chief official,
[SEAL.]

LUIS E. MARQUEZ

[Inclosure 4 in inclosure in No. 25.—Translation.]

Mr. Urrutia to Mr. Tovar.

MINISTRY OF FOREIGN AFFAIRS,
Lima, August 8, 1885.

The envoy extraordinary and minister plenipotentiary of the United States of North America, under date 4th instant, has addressed me a note which I have the honor to communicate to your excellency, calling your attention to the absolute necessity of

giving a quick conclusion to the process referred to, as in this are interested the precepts of the law, the good name of the judicial power, and the honor of the Government; and I besides supplicate your excellency to oblige the judge of the cause in question to obtain at once the apprehension and legal punishment of the culprit, giving immediate account to this ministry.

God guard your excellency.

BALTASAR GARCIA URRUTIA.

In conformity,
The chief official,
[SEAL.]

LUIS E. MARQUEZ.

No. 458.

Mr. Buck to Mr. Bayard.

[Extract.]

No. 27.]

LEGATION OF THE UNITED STATES,
Lima, September 4, 1885. (Received November 27.)

SIR:

* * * * *

Referring to No. 9, I have already, in my No. 17, of July 24, advised you of my attention to the Owen Young case. Later, in my No. 22, I inclosed you copy of a note sent to the foreign office, and in my No. 25, of August 22, I called attention to the reply received from the minister of foreign affairs, with inclosures, of which copies with translations were sent to you in said No. 25. Two days ago I received another note in same matter from the foreign office, with inclosures, of which I send copies and translations. It will be seen in last named inclosure from the foreign office it is claimed that it is impossible to discover the "author of the death of Owen Young."

* * * * *

I have, &c.,

CHAS. W. BUCK.

[Inclosure in No. 27.—Translation.]

Mr. Urrutia to Mr. Buck.

MINISTRY OF FOREIGN AFFAIRS,
Lima, August 31, 1885.

I have the honor to communicate to your excellency that the minister of justice has directed to this ministry the dispatch of which I here have the pleasure of sending you a certified copy with this dispatch, giving an account of the progress made in the criminal process being prosecuted in Pacasmayo in reference to the death of the North American citizen, Mr. Owen Young.

I take advantage, &c.,

BALTASAR GARCIA URRUTIA.

[Inclosure in inclosure in No. 27.—Translation.]

Mr. Tovar to Mr. Urrutia.

LIMA, August 27, 1885.

The judge of the first instance of the province of Pacasmayo has directed to this ministry, under date 22d instant, the following dispatch:

"I have the honor to communicate to your honor, that through you it may be made known to the minister of the department, that in the official criminal process being

prosecuted to discover the author of the death of the American citizen, Mr. Owen Young, under date of 18th instant, it has been ordered that the papers of the proceedings shall be passed over to the attorney-general's ministry that he may give his judgment in the principal of the process, and I understand that by next steamer I shall be able to advise your honor of the conclusion of the summary in the first instance. All the interest taken by me, as well as that taken by the attorney-general's ministry, shows by the evidence that the judicial authorities of this section have done all possible to discover the cause and author of Young's death. And it appears from the summary that the house of deceased was used as a parapet by the freebooters, who had the intention to defeat the forces of the Government which were coming from Cajamarca to this capital in September of last year; also, that in the pockets (pillon) of the saddle-cover of the late Young were found warlike instruments. These circumstances have probably been the motive for the deed which it is desired to clear up, and it will be impossible at present to discover the author of the death of Young."

Which I have the honor to transcribe to your honor, for your knowledge and the ends it may serve.

God guard your honor.

MANUEL TOVAR.

No. 459.

Mr. Buck to Mr. Bayard.

No. 28.]

LEGATION OF THE UNITED STATES,
Lima, September 5, 1885. (Received September 25.)

SIR: I inclose a police-order and translation. Of course it is regarded as directed against political suspects. Much alarm has been caused by this order, and numerous arrests have been made; and there are now said to be imprisoned at Callao some fifty political prisoners.

In my No. 7 I advised you of the suppression of Pierola's organ "El Pais." On August 28 he was ordered to leave the country in eight days, and a passport sent him. He leaves, I understand, on the mail steamer to-day. The impression is, I think, he will go to France.

In my No. 23 I referred to an oppressive decree by the prefect of Chiclayo imposing export duties on sugar, &c., and suggesting its probable repeal. This decree has been rescinded, and Prefect Frias has been superseded by Col. José A. Larco.

On the 1st instant a telegram from Ica to Pisco stated that the montoneros were expected at the former place, and Government officials had all left it; whereupon Pisco was abandoned by the Government custom-house officials, and Dr. Micarmo Leon (Cáceresta), with some eighty men, occupied the place. The Government here, on the 2d instant, declared the port with its dependencies closed. There are confused accounts of disturbances and fighting, the assassination of a prefect, &c., in Canches, a province in the department of Cuzco, and of conflicting movements in other localities of the department, but nothing which I can place before you in definite shape. It is reported from the north that the montoneros took Carlenaz by surprise, and in the encounter killed thirty of the Urban guard. It is stated that upon hearing the news the prefect at Huaraz left there at the head of some troops to drive out the montoneros.

All continues quiet in this city and vicinity.

I have, &c.,

CHAS. W. BUCK.

[Inclosure in No. 28.—Translation.]

Police order in the subprefecture and administration of police.

A gratification will be given of from 50 to 1,000 silver soles to every one who gives opportune notice, with all the necessary and exact details, about anything that will contribute to the better service of the police. Said notice may be verbal or in writing, and strict secrecy is guaranteed, as also that the gratification will be given into the hands of the adviser, or in the way he indicates in the notice of accusation.

LIMA, 20th August, 1885.

No. 460.

Mr. Bayard to Mr. Buck.

No. 19.]

DEPARTMENT OF STATE,
Washington, September 10, 1885.

SIR: Referring to your No. 22, of the 7th ultimo, I have the pleasure to commend the terms of your note of the 4th ultimo to the minister of state, in the case of the murdered American citizen, Owen Young, as carrying out the instructions of the Department.

I am, &c.,

T. F. BAYARD.

No. 461.

Mr. Buck to Mr. Bayard.

[Extract.]

No. 30.]

LEGATION OF THE UNITED STATES,
Lima, September 12, 1885. (Received October 5.)

SIR: In my No. 26 I referred to a report that Romero was proceeding southward to join Cáceres at Tarma. A letter from Truxillo, dated August 29, states that he has 1,300 men at or near Santiago de Chuco, a small place in the mountains 60-odd miles from Truxillo, and that he has been ordered to continue in that section in order to distract the Government forces. The letter states that some anxiety is felt at Truxillo, and it is intimated that the Government force there is quite small and inadequate for defense.

In my No. 27 referred to the probable occupancy of Ica by montoneros and abandonment of Pisco by Government officials. Later advices by passengers on steamer which touched at Pisco on the 9th instant state that Dr. Leon failed to take Ica; that Rueda and Tipacti, with 25 gendarmes and 120 volunteers, refused to give up the town to Leon, and, realizing he could not take it, he passed on to Pisco.

Last evening (the 11th instant) the Government transport Peru started southward with some 200 troops on board, as is thought, to retake Pisco.

It is reported that a battalion of Cáceristas are at Chosica, about 9 miles from the Government troops at Santa Clara and 18 or 20 miles from Lima; that another battalion of montoneros are at San Bartolomé and Santa Anna, and 200 men more, under Colonel Cerua, are at Matucana, all points on the Oroyo road higher up. It is said Cáceres is expected at Chela, the terminus of the railroad, about the 15th and 20th instant. Cáceres seems to have established his seat of Government and

reorganized his cabinet at Tarma. The troops, if indeed the report of their presence is true at the points on the railroad above Santa Clara, most likely are detachments from the force which captured Canta, referred to in my No. 24.

Official reports from Col. Morales Bermudes (Cáceresta commander), in the fight at Canta, have been published in the Lima papers, and it seems he only claims the Government forces suffered a loss of about 100 men, while his own killed and wounded were about 60. It seems from his report, instead of heroically cutting his way out of Canta, as Colonel Pachas was reported to have done, he fled at the beginning of the fight. He simply refers to Colonel Bustamente as among the killed, says nothing about his having killed himself or having been shot by Pachas.

* * * * *

It is reported that another proposed uprising in favor of Iglesias at Arequipa was, some days ago, "nipped in the bud" by the arrest of the principal instigator. It is also reported from Arequipa that reaction in the department of Cuzco in favor of the Government continues, and that some activity is indicated in the vicinity of Livitaca, a village in the southern part of the department.

I have, &c.,

CHAS. W. BUCK.

No. 462.

Mr. Buck to Mr. Bayard.

[Extract.]

No. 34.]

LEGATION OF THE UNITED STATES,

Lima, Peru, September 19, 1885. (Received October 15.)

SIR: Through a budget of dispatches, letters, &c., recently intercepted on the person of the bearer while passing from the lines of General Cáceres towards Lima, the Government here has gained some important information concerning its enemies in the field and their abettors within this city.

Several arrests here have followed the disclosures, and there are reports of inquisitorial tortures inflicted by the Government on prisoners to extort confessions. These rumors were so widely spread that the Government ordered an examination of medical men, whose report published last night states that the bodies of prisoners are not marked by wounds or bruises, and that their condition is satisfactory. Among others, the consul-general of Honduras has been arrested and his exequatur canceled, because of his implication as a Cáceresta agent. He is, however, I think, a native Peruvian.

Among the letters intercepted, two from General Cáceres have been published in part, one dated September 1, directed to Colonel Ibarra, at Arequipa, admits information from the prefect of Cuzco, under date August 10, that his partisans were defeated, under Abarracin and Mendizabal, at Lucuani and Llanoca, towns in the southwest part of the department of Cuzco, and that in one of the fights Mendizabal was killed. In the same letter, General Cáceres directs that commissioners or agents be sent to Bolivia to acquire arms, &c., but expresses the conviction that little can be expected from Bolivia, since that country has sent a minister to the Iglesias Government. * * *

Another letter from General Cáceres deprecates dissensions between San Roman and Ibarra in the south, and states that the nation owes him (General Cáceres) two months' salary as President, and expresses a wish to have provision made therefrom for his family. He acknowledges gratefully the placing of the small sum of soles 5,000, or about \$3,700, at his disposal, as coming in place handsomely, and states the want of medicines, and even of a case of instruments. The general tenor of these and similar revelations would seem to indicate the impoverished and needy condition of the army under the revolutionary leader; but his Indian followers need little money, and their wants are not, perhaps, to be measured by those which would seem imperative elsewhere.

News published from the interior as late as the 16th instant states that the districts of Calca and Moya, owing to exactions made for arms and money, refuse to acknowledge the authority of General Cáceres, and that Bartolome Guerra (with a force of 400 men), chief of the montoneros in Calca, Jarpa, and Chupaca, was defeated by the people of the province of Yanyos in an attempt to collect cattle, money, &c., and that his forces, except about 80 men, were dispersed. It is also said that the forces at Chosica had returned to Canta, and from there, on account of numerous desertions, they have been ordered back, towards Tarma presumably.

Meanwhile General Cáceres continues at the latter place, and has been regaled with several bull fights, on the occasion of which a drunken carousal resulted in several deaths. So, in substance, runs the news, from all of which it appears not only that General Cáceres is not abundantly equipped either with arms or other materials of war, but that general harmony in his favor does not exist in the interior.

Pachaco Céspedes is reported at Matucana with 200 mounted revolutionists, and 120 montoneros are said to be at Cocochaera. It is stated there are now no revolutionist forces at San Marteo or Chicla.

A letter from Arequipa, of September 11, states that the movement which was in prospect for the 5th instant, referred to in my No. 30, of September 12, having been revealed, resulted in the arrest of some 60 persons, who are still held in close confinement.

The troops which left last Friday on the Peru for Pisco returned on Sunday, the 13th instant, without accomplishing anything, and bringing news of the capture of Ica by the montoneros, under Dr. Leon, on the 10th instant.

Prefect Braco de Rueda, the Government commander, with some 30-odd men, refused to capitulate. It does not appear what became of the 120 volunteers previously with him. He was attacked, and shutting himself in the barracks, these were fired by the revolutionists, from which the flames spread to various other buildings.

It is reported the montoneros indulged in great excesses after the capture of the town. It is stated the ammunition of both parties was exhausted, and the revolutionists not having other means for capturing the barracks, set fire to them.

The minister of finance has ordered that all goods deposited in the Callao custom-house previous to April 1 shall be withdrawn by October 1, claiming that the capacity for storage is exhausted. Pertinent to this, it may be suggested that it is said, and perhaps truly, that orders on said custom-house have been emitted and dues on them anticipated for two or three months to come, so that such orders sell now at a discount of some 30 per cent.

In view of such facts as this, and the significant circumstances that the salaries of a large number of representatives in the last Congress

remain, as is stated, unpaid, how is it to be expected that claims will be provided for?

A further discouraging circumstance for claimants may be observed in the decision of the court of arbitrators in Chile, to-day made known by cable, which announces the three principles—

(1) Bombardment is permissible so long as there is resistance of a rifle.

(2) Acts committed by soldiers or persons connected with the army without orders from their superiors in command do not compromise a Government.

(3) Any proofs taken without notice to Government affected are not admissible as evidence.

It is to be presumed this will be seized upon as a precedent, at least in South America, and an announcement of Department's views on the subject may be quite pertinent as affecting American citizens here.

* * * * *

I am, &c.,

CHAS. W. BUCK.

No. 463.

Mr. Buck to Mr. Bayard.

[Extract.]

No. 35.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 26, 1885. (Received October 24.)

SIR: * * * * *

The Government, as I learn by letter from Truxillo of September 19, has 500 very good soldiers at that place, sufficient, as is thought, to hold it for the present, while the revolutionary army of about 1,500 men are at points from 40 to 80 miles distant. There was a grand review of Government troops in Lima on the 24th instant, the feast day of Santa Mercedes, patroness of the Peruvian army. It seems to be generally estimated 3,000 troops were in line; and on the 25th instant, yesterday, it is claimed 4,000 troops, with 6 pieces artillery and 4 Gatling guns, including battalions 1, 2, 3, 7, 10, and two columns police, and squadron "Pacasmayo," were sent out to move against General Cáceres. One division, it is said, is to march on foot to Chicla, the terminus of the Oroya Railroad; one to Canta, and one, it is thought, is to move to the interior from Ancon, and 300 men were sent by train to Quiro under Col. Rosa Gil.

On the 22d instant there was a meeting of Peruvians and foreign merchants to urge the Government to take vigorous measures to open the ports and roads to the interior, and to protest against the custom-house order for the forced dispatch of goods by October 1, which order was referred to in my No. 34, September 19.

It was resolved to ask the foreign ministers to urge upon the Government these points, and committees were appointed from each foreign colony to interview their ministers on the subject, and the members of the committee presented yesterday a memorial to the minister of finance, who discussed the matter with them, and assured them of his favorable desires, and that he would shortly give the matter due consideration.

The importance to commercial interests of recognizing General Cáceres as a belligerent, so as to secure protection to foreigners in his lines and in passing back and forth, has been a good deal discussed of late. Perhaps it would be well to inform me of Department's views on the subject. I should not consider myself authorized to co-operate with the diplomatic corps in that direction unless instructed.

I have, &c.,

CHAS. W. BUCK.

No. 464.

Mr. Buck to Mr. Bayard.

No. 36.]

LEGATION OF THE UNITED STATES,
Lima, Peru, October 2, 1885. (Received October 24.)

SIR: On October 1, I cabled you to the effect that Cáceres states that protection will not be granted to the subjects of such Governments as refuse to recognize him as a belligerent, but that he will subject them to duties as Peruvians. That the presence of two or more United States vessels on the coast would be desirable on the presumption of a refusal on the part of foreign Governments to recognize Cáceres, who is in no way stronger.

The mail on the Isthmus is delayed, and instructions are awaited from the Department.

The telegram was based upon a communication, a newspaper copy, which, substantially correct, I inclose. They were sent to members of the diplomatic corps generally, and I presume are all about the same thing, if not fac-similes. I have not time before closing of mail to comment upon it at such length as I might desire. Of course, however, I do not conceive it would be proper for me to make any reply to such a communication from General Cáceres's so-called minister of foreign relations; still this threat makes the position of foreign residents in the interior very uncomfortable, as within his lines General Cáceres virtually renounces all treaty and civilized obligations towards foreigners whose Governments decline or ignore his demand to be recognized as a belligerent. Fortunately there are not many Americans in the interior.

I do not think any Government represented here is apt to concede anything to General Cáceres in his present status. He seems no stronger. Indeed, from what appears, I think his situation is less promising for him than it was some time ago. Still he may at any time run in upon sea-ports, and, since he assumes the rôle of a freebooter and proposes to consider foreigners as Peruvians, may levy contributions on such Americans as he can find, or subject them to military service or other outrages, as he pleases.

Perhaps this is all a ridiculous threat of his. Still it seems to me it would be well, if not more urgently required elsewhere, that an adequate naval force should be kept along this coast to protect Americans and American interests against outrages, when the Government cannot or will not do so. I should think, if they can be spared for the service, three or even four ships would not be too many for the Peruvian coast, and placed under such special instructions as in view of the facts seems to the administration best. Hence I telegraph as indicated.

As I have previously advised you, I think the Government is well disposed to Americans; but the country is vast, its forces small, and

the Government weak and perhaps unable to give protection against its revolutionists.

A dispatch from Casma, of September 29, states, after a fight, with losses (not stated) on both sides, Pedro Cochachas, the noted Indian revolutionist, was taken prisoner.

A telegram signed by Ramon Barrantes, governor, dated Casma, October 1, states that the subprefect claims he has occupied Puillo, and the Indians have surrendered unconditionally, and that he has sent in pursuit of the rebels.

The President's brother, Lorenzo Iglesias, left here on September 28 to take command of the army which left, as stated in my No. 35, of September 26, to operate against General Cáceres. This force is variously estimated, as I have before advised you, but it was exceedingly well armed and equipped.

I have, &c.,

CHAS. W. BUCK.

[Translation.]

Circular to the foreign diplomatic corps resident in Lima.

MINISTRY OF FOREIGN AFFAIRS,
Tarma, September 15, 1885.

SIR: In the dispatch which, with date 22d June last year, I directed to your excellency from this city, I had the honor to manifest that his Excellency General Andrés A. Cáceres, ceding to the desires of the majority of the population, had assumed the supreme command of the Republic with the object to re-establish in the country the constitutional system and to procure the establishment of a Government which should be the true expression of the national opinion.

With this motive, I had also the occasion to manifest that the foreign war having terminated, the nation had not made use of its sovereignty to designate the authority which should direct its destinies; that in the countries where the representative system rules, the only legal source of the Governments is the consent of the population expressed by its obedience; that the Government of General Iglesias wants this fundamental title; and, lastly, the greater majority of the country favors with its adhesion, sympathy, and obedience the Government of his Excellency General Cáceres.

More than a year has passed since the date of my dispatch referred to, and the successes that have taken place during this long space of time have only corroborated the propositions enunciated. The Government of General Iglesias, although it comprises comparatively strong material elements, has been impotent to impose its authority on the nation; in the mean while the authority of his Excellency General Cáceres has extended and invigorated with the decided and effective co-operation of the majority of the Republic. The refusal of the towns to obey the Government of General Iglesias has not been a passing fickleness, but the fruit of a profound and deeply-seated conviction, which they have, that this government is not by any means the representative of their interests, nor of their aspirations.

This uniformity of opinion has allowed the Government of his Excellency General Cáceres to constitute and organize itself in a solid manner and it actually exercises effective jurisdiction in the greater part of the national territory, which regulates the public administration in all of its branches, and lastly has a strong army, well organized, to carry out the work committed to it by the said towns; thus the Government of his Excellency General Cáceres unites all the features of a real national Government.

Notwithstanding these titles, which assist and prove the legitimacy of the authority exercised by his Excellency General Cáceres, he has manifested at different times the desire that an appeal should be made to the people, so that they, by their vote, might name the executive who shall wield the supreme power, and with this object he has proposed different ways of arriving at an agreement, which would have given a pacific conclusion to the civil war and allowed the constitution of a Government that would be the free and true expression of the wishes of the country. Unfortunately these elevated purposes have been stubbornly and constantly refused by the belligerent, and his Excellency General Cáceres sees, much against his wishes, the painful necessity of arriving at the solution of this conflict by the continuation of hostilities.

The situation thus created, which may last for an indeterminate time, must affect not only the natives of the country, but also the foreigners, resident in it.

My Government, desiring to avoid as much as possible the harm which the prolongation of the civil war may cause to foreign commerce and to the interests of neutrals, and with this end thinks it advisable to have understood the condition of the foreigners that reside in the territory under its commands.

In the civil war now being carried on in the Republic the only way to obtain this result, and, on the other hand, consult the perfect neutrality of the different states that maintain relations with Peru, would be the recognition of my Government as a belligerent, which in truth would only be the recognition of an actual and indubitable fact evidenced by the existing state of war.

According to the opinion of Wheaton, Bello, Halleck, Calvo, Bluntschli, Lawrence, and other eminent authors of treatises on international law whom it would be too numerous to name, "the civil wars, properly so-called, give to each of the parties engaged in same all the rights of war; that is to say, the character and the rights of belligerents, not only as concerns the enemy, but also in respect to all the states which desire to remain neutral." "If, after a reasonable time, there is little probability of the conflict ending, the recognizing of the two parties as belligerents appears to be justifiable." "In this case, the legitimacy of the Government of neither one or the other is recognized, but only the existing state of war, and allows of treating with those that direct the war, without anything that is prejudicial to the legitimacy of the rights of either of the two contending parties."

The recognition of the principals in respect to my Government would oblige it to recognize on its part all the rights, exclusions, and privileges which the respective treaties give to foreigners.

I leave it to the elevated criticism of your excellency, and to that of your Government which you so ably represent, to decide this point, which I think is more in harmony with the interests of your subjects, the principles of international law, and with your private judgment formed in view of the interior situation of Peru, only having to declare in the name of my Government that in case the Government of your excellency does not think it convenient to make the declaration to which I refer, its subjects will remain subject to the same rights and obligations as Peruvian citizens.

I take advantage of this opportunity to repeat to your excellency my sentiments of high consideration and esteem with which I have the honor to write myself.

Your very attentive and obedient servant,

FRANCISCO FLORES CHINARRO.

No. 465.

Mr. Buck to Mr. Bayard.

No. 42.]

LEGATION OF THE UNITED STATES,

Lima, Peru, October 10, 1885. (Received November 6.)

SIR: The deserters who arrived in Lima on the 3d instant from the command of the revolutionist, Pacheco Cespedes, estimate the forces of General Cáceres at not exceeding 2,000 men; this agrees with estimate from another quarter, that of Iglesias Lozer, who believes the revolutionary leader has only from 1,800 to 2,000 men. Colonel Ibarra left Arequipa on the 2d instant with 300 men, having been apparently reinforced previously by some troops under Major Cortez. It is stated he left only 280 men in Arequipa, and he started from that place in direction of Cuzco.

It appears from *La Libertad*, published in the latter place, that the provinces in the department of Cuzco which were reported to have declared for General Iglesias have been pacified in the interest of General Cáceres, and the report that the city has renounced allegiance to General Cáceres was untrue. A file of *celedores* (policemen) had been sent from there to Santa Rosa to receive rifles for the battalion *Cazadores del Cuzco*, composed, as is stated, of 370 men.

A letter published in *La Opinion Nacional* of September 27, from Truxillo, states that Romero is moving in the direction of Cajamarca, per-

haps ultimately to join General Cáceres in the valley of the Janja, as hertofore intimated. It is also said dissensions among Cáceresta leaders in the north resulted in the arrest and execution of Becerra, and other chiefs affiliated with him, by La Barrara and Romero, upon which Becerra's men, estimated at 400, disbanded and dispersed. I can state no definite particulars.

The Government forces which moved out of this city on September 25, reoccupied Canta without resistance. They also seem to have reoccupied and opened the whole line of the Oroya Railroad to its terminus, Chiclayo, Colonel Chocano having arrived at the latter place.

From San Bartolome, on that line, Subprefect Alcazar reports that the revolutionist column, Remac, composed of 250 men, has disbanded; and Colonel Chocano reports from Mattucana, also on line of that railroad, that part of the squadron Sama Pachia revolted and dispersed at Antarana on the 6th instant, leaving Cespedes Pacheco (revolutionist) only a few Arequipeños.

General Cáceres is reported drawing his forces back to Tarma.

I am, &c.,

CHAS. W. BUCK.

No. 466.

Mr. Buck to Mr. Bayard.

[Extract.]

No. 45.]

LEGATION OF THE UNITED STATES,
Lima, Peru, October 17, 1885. (Received November 16.)

SIR: News comes from the north of heavy fighting at Cajamarca. On the 7th instant Romero Florez with a force stated as numbering about eighteen hundred men attacked that place. The prefect, Augustine Marsevo, reports that after seven hours of fighting, in which the inhabitants of the city united with the Government forces to repel Romero, that that revolutionary chieftain was repulsed and disastrously defeated.

Cajamarca is an important city high up in the mountains, about 100 miles from the coast, and is the capital of the department of the same name. It was the home of President Iglesias, and there was organized the present Government of Peru.

News of the battle seems to have come by way of San Pedro to Truxillo, and from there here. The President has issued a proclamation, felicitating the Cajamarcañas and the country upon the conduct of his townsmen and the victory gained.

I advised you in my No 42, of October 10, that Romero was thought to be moving toward Cajamarca, with the ultimate purpose, perhaps, of joining General Cáceres in the valley of the Janja. If this was the proposed plan, the result of the fight at Cajamarca must, I should think, curtail seriously Cáceres's hopes of getting to get her near Tarma large reinforcements. It is given out in the papers that he has lost heavily on his march from Canta over the Cordilleras; and from what I can gather the forces which can be drawn to him under Colonel Ibarra from the south, from Arequipa, Cuzco, and all other points *en route*, can hardly exceed from five to seven hundred men.

General Lorenzo Iglesias, brother of the President, who was in command of the forces of the center which occupied Canta, died on the 15th instant at Charcera Huanchullo, on his way back to Lima, where he was returning on account of sickness. Colonel Relaygo has been announced as successor to General Iglesias. There is a report, which is indorsed from a source worthy of some consideration, that General Echencique the minister of war, is to assume command of the army, but whether it is true remains to be seen.

* * * * *

I have, &c.,

CHAS. W. BUCK.

No. 467.

Mr. Buck to Mr. Bayard.

[Extract.]

No. 47.]

LEGATION OF THE UNITED STATES,
Lima, Peru, October 24, 1885. (Received November 16.)

SIR: In my No. 45, October 17, I advised you of a Government success at Cajamarca on the 7th instant. Since then the official report of Prefect Augustin Moreno has reached here. He states that the whole Government force engaged in the fight numbered 731 men, of which 583 were troops of the line, and that the revolutionists, under Romero Flores, numbered in all 1,800 men, including Battalions de Truxillo 400, de Puga 250, and columns Cajalamba, &c., 501, and cavalry 180, amounting in all to 1,340 regulars. He states the Government lost 1 regimental officer and 58 soldiers killed, and 6 officers and 51 soldiers wounded. Romero's loss is stated at 109 killed, while the number of wounded is not given, but is estimated as great.

The Government claims to have official news of a fight at Casapalca, near the terminus of the Oroya Railroad, in which it is stated some two or three hundred of the forces under Pacheco Cespedes attacked columns Huanta and Ayacucho, and were badly defeated.

It is claimed Cespedes was wounded in the arm, and that his forces have dispersed. Official reports here have to be taken like other news, with many degrees of allowance. But it seems to be a fact, as indicated in the fight at Cajamarca and as testified upon the persons of prisoners and deserters from Caceres's army, that the revolutionists are surprisingly well provided with arms and cartridges.

The Government forces in the neighborhood of Chiclayo, after their hard march over the Cordilleras, were said to be in bad condition as to shoes and clothing, and the Government has been forwarding these and other supplies from here. They seem to have no adequate commissary arrangements, and this difficulty seems to clog them at every step into the interior. Reports reach here of small affrays at Pampas and at Cusi, to the southward of Huancayo, in Jauja valley, between volunteers and montoneros, in which the latter were defeated.

* * * * *

I have, &c.,

CHAS. W. BUCK.

No. 468.

Mr. Bayard to Mr. Buck.

No. 33.]

DEPARTMENT OF STATE,
Washington, October 27, 1885.

SIR: In your No. 34, of the 19th of September last, you inform this Department that the court of arbitration in Chili has lately published three rules for the decision of claims against the Government, which are as follows:

- (1) Bombardment is permissible as long as there is resistance of a rifle.
- (2) Acts committed by soldiers or persons connected with the army without orders from their superiors in command do not compromise a Government.
- (3) Any proofs taken without notice to Government affected are not admissible as evidence.

The first rule is susceptible of various interpretations, according to the circumstances to which it is sought to be applied, and altogether too vague in its terms to admit of discussion.

As to the second rule, the position of this Government is, that while a Government is responsible for the misconduct of its soldiers when in the field, or when acting either actually or constructively under its authority, even though such misconduct had been forbidden by it, it is not responsible for collateral misconduct of individual soldiers dictated by private malice. But the mere fact that soldiers, duly enlisted and uniformed as such, commit acts "without orders from their superiors in command," does not relieve their Government from liability for such acts.

With respect to the admission of evidence, to which the third rule relates, the practice of this Department is to require affidavits as *prima facie* proof of a claim before making any representations to the Government alleged to be in default. So far, by the general practice of nations, the proceedings are *ex parte*. But if, after the claim has been presented, a commission is agreed upon for its adjudication, testimony in the usual form may be taken, both parties having an opportunity to be present and to examine and cross-examine witnesses. It is not usual, nor, in fact, would it be practicable, to give a foreign Government notice that at a particular time deposition would be taken to sustain a claim to be made against it.

I am, &c.,

T. F. BAYARD.

No. 469.

Mr. Buck to Mr. Bayard.

No. 50.]

LEGATION OF THE UNITED STATES,
Lima, Peru, October 31, 1885. (Received November 27.)

SIR: On the 25th instant the montoneros attacked Canta. A small command had been left there when the greater part of the Government force marched to the neighborhood of Chicla. These, it is stated, under Colonels Bento and Vargas, repulsed the attack of the revolutionists.

It is stated on authority of *El Liberal* published at Cuzco, date not given, that Battalions del Cuzco and Cazadores del Cuzco would march immediately to the center, presumably to join Cáceres in the valley of

the Jauja; also that a new battalion is being organized at Cuzco in the interest of Cáceres to remain there. It is also stated in same paper that it is not believed Cáceres will give battle until joined by the forces from the north and south.

Of the defeat of those in the north at Cajamarca you are already advised.

On the 27th instant a large force, of about 1,400 men, according to the best information I can get (which, indeed, comes from a member of the cabinet), embarked at Callao under the command of General Echenique, the minister of war, for the south. I am informed that the plan of operations on part of the Government contemplates landing at Pisco, from which point the army will proceed to Ica, which is connected with Pisco by railroad, retake that place, and then march across the Cordilleras to cut off Cáceres from the south and intercept the forces moving from Arequipa Cuzco and other points in that direction.

I have, &c.,

CHAS. W. BUCK.

No. 470.

Mr. Buck to Mr. Bayard.

No. 54.]

LEGATION OF THE UNITED STATES,

Lima, Peru, November 14, 1885. (Received December 4.)

SIR: The Government troops which left here under General Echenique, as I advised you in my No. 50, October 31, landed without opposition at Pisco, and occupied Ica without resistance on November 5. From that point, latest advices state, a force was sent in pursuit of Dr. Leon.

General Echenique returned here on the 12th instant, as is announced, to confer with the Government, and it is stated will start back to Ica to-day. There is a report that Ibarra has passed Ayacucho, the point where it was thought Echenique expected to intercept him on his way to join Cáceres, and that he had with him a large supply of ammunition for the latter; General Echenique's return here might seem to give color to this, which, if true, is important. But I have just learned that it has been decided General Echenique shall move his force on Arequipa, which presumably will be done by way of steamer as far as Mollendo. The Government forces in the interior seem to be advancing, and are reported as having passed the bridge at Oroya, 30 miles or more beyond Chicla, the terminus of the Oroya Railroad, and beyond the crest of the Cordilleras.

At Oroya there was a light combat with the montoneros, and it is reported they were dispersed.

The subprefect of Cañete (some 30 miles southward of here) reports under date of November 2 that on October 25 he attacked and defeated the montoneros of Lunahuana, eighty or one hundred strong, and that five revolutionists were killed and seven wounded. From different standpoints very different views are taken of the situation. On one hand the determination and the ability to push Cáceres to the wall and crush the revolution is ascribed to the Government; while on the other the opinion is expressed that the position of Cáceres is better than it has been in six months. Very recent news from private sources reaches me to the effect that notwithstanding the ostensible attitude of the Gov-

ernment of Bolivia towards the Government of General Iglesias, the people are generally in sympathy with Cáceres, which would seem must make it easy for the revolutionists to obtain through Bolivian territory all the arms and ammunition they can pay for.

I have, &c.,

CHAS. W. BUCK.

No. 471.

Mr. Buck to Mr. Bayard.

[Extract.]

No. 55.]

LEGATION OF THE UNITED STATES,

Lima, Peru, November 21, 1885. (Received December 18.)

SIR: Colonel RelaiZe, in command of the first division of the army, operating in the center, under date 15th instant reports that he engaged the whole army of General Cáceres that day at Pampas on the heights of Jauja. Thus far the news is fragmentary and sent by messenger from Jauja to Chicla, some sixty-odd miles, and telegraphed from there.

Colonel RelaiZe reports the total defeat of Cáceres, and that the latter left the field with but a remnant of his forces after a fierce conflict, which lasted from 1 p. m. till 6 p. m., resulting in the loss of four colonels and five hundred men prisoners.

Such subsequent telegrams as have reached from Chicla confirm the report of Colonel RelaiZe to the minister of war, and state in addition that many of the revolutionists were drowned in attempting to cross the river, and among those lost is said to have been Colonel Pacheco Cespedes. Thus much for the news given out by the Government for publication.

There prevails here some incredulity, but there is a manifest general disposition to discredit all news favorable to the Government given out under press censorship.

I understand that Colonel Gonzales reached here last night with official report in greater detail, but up to this hour, 1 p. m., I have been unable to learn particulars. I am using my best efforts to get details, and the minister of foreign relations promised if anything of importance reached him in time to communicate before the closing of the mail, he would send it. If I can learn facts more definitely I will give the substance as fully as time will permit before sealing this for the mail.

General Echenique returned to Ica, as I reported by last mail was his stated intention, but as yet it seems that he has made no movement towards Arequipa, though there is perhaps reason for believing such movement is intended.

If the news from Jauja is true, it is of course very important, and it is desirable that the Government should push forward to the occupancy of Arequipa, Puno, and Cuzco, for it is conceded that Cáceres still lives and is at large; this being the case, one can only judge of his future course by the intimations found in his past. He seems to have the organized sympathies and interest of the Indian race with him in a degree to which they have perhaps not often been excited since the final overthrow of the Inca power there. There seems to be something of a national race phase to the conflict which is exceptional as compared with previous revolutionary movements in Peru. * * *

Since the Government's success at Truxillo and Cajamerca, and the comparative pacification of the north, business conditions appear considerably improved.

It is now nearly 3 p. m. I have just received a message from the minister of foreign relations, saying the latest news he has confirms that already given, but without any important details from Jauja except it seems the Government have claims to have taken 600 prisoners, and that this victory virtually makes an end of the revolution.

I have, &c.,

CHAS. W. BUCK.

No. 472.

Mr. Buck to Mr. Bayard.

No. 56.]

LEGATION OF THE UNITED STATES,
Lima, Peru, November 28, 1885. (Received December 26.)

SIR: I advised you in my last dispatch of an advantage gained, on the 15th instant, by the Government forces under Colonel Relaize at Pampas near Jauja. In stating that the fight took place "en Pampas," Colonel Relaize evidently refers to the Huaripampa, and in referring to it as the battle of Tambo also, the town on the opposite side of the river of that name was indicated. I mention this to avoid confusion of these places with the larger towns of Pampas and Tambo, the first in the province of Tayacajo, some distance off, and the second some miles to the northeast of Ayacucho.

The river over which passes the bridge of Huaripampa is called by different names. Near the city of Jauja, which is some 3 or 4 miles inland to the northeast from the scene of the battle, it is known as the Jaujo or the Tambo. It has its source in Lake Junin, near the famous mines of Cerro de Pasco, and is one of the headwaters of the Amazon, to which it finds its way after a long and circuitous southeasterly and then generally northern course, at its confluence with which it is known as the Ucayali. At Huaripampa it is a deep and considerable stream.

In his official report, dated Jauja, November 18, Colonel Relaize states that he took five hundred men and a number of officers prisoners, and captured eight hundred rifles, but owing to the destruction of the bridge he was not able to cross the river until it could be repaired, but as soon as that could be done he would take possession of the enemy's artillery with other trophies, which had been abandoned.

It seems General Cáceres had left Tarma with the view of retiring to Huancayo, or perhaps Ayacucho, and on the 10th instant it is claimed by the Government he numbered his forces in Jauja, and he then had three thousand two hundred and seventy men, but after crossing the Oroya bridge, instead of going to Tarma, which route to Jauja makes a long angle to the east, Colonel Relaize sent only a detachment to occupy Tarma, and pushed with his main force by a more direct way along the course of the Jauja, and passing that city immediately to his left, overtook General Cáceres at the bridge of Huaripampa on the 15th instant, with most of his forces and artillery on the west side, while two or three battalions were still on the east side. These latter were destroyed or captured, according to Government accounts, and the forces on the other side dispersed. Colonel Relaize claims his forces did not number more than

half those under General Cáceres; and the chief of his staff reported that the Government only lost two officers and fifty-one soldiers killed, and nine officers and fifty-eight soldiers wounded; killed and wounded of the revolutionists not stated.

It was also reported through Government sources that General Cáceres's cabinet had advised him to make terms with the Government before the battle, and afterwards had urged him to surrender and secure guarantees; but that he had rejected their advice, saying before he would enter into any terms with General Iglesias he would disband his army and let each man take care of himself, upon which the cabinet went to pieces, leaving only one member with him, and that two of the members had already reported to the Government prefecture at Tarma.

Immediately upon the heels of this flattering news, on the night of the 24th instant, a telegram from Chicla, the present terminus of the Oroya Railroad, at least 90 miles from Jauja, reported approach of the Cáceristas. The Government received some cipher telegrams and the cabinet assembled hurriedly and in a few minutes the wires were cut.

The cabinet held an all-night meeting at the railroad office around the telegraph instrument. A message was immediately dispatched to recall General Echenique with his forces, who was just embarking at Pisco *en route* for Arequipa, and most earnest measures were pushed forward for defense, even to barricading the windows of the palace. Thus the city has been kept in a fever of expectation and alarm, until the arrival of General Echenique, on the 26th instant, with most of the forces of the second division of the army, increased the Government force in and about the city to perhaps 2,500 men; still measures for defense seemed to be going on at the palace and in the city as well as outside. Fighting was reported some miles outside yesterday, but exactly where or what it amounted to it is impossible to tell. All sorts of excited rumors are current, but there is nothing authentic; and I doubt if the Government itself knows where General Cáceres is, or what force of his, if any, is near the city. If General Cáceres could have pushed in on Wednesday last or Thursday morning, he would have found the city with perhaps not a thousand Government troops in it.

It is supposed the Government lost at Chicla, when a train of ten cars and a locomotive were captured, 10,000 soles silver and a large supply of clothing, &c., intended for Colonel Reláiz. Where the latter is, whether pushing on in the rear of Cáceres, who has apparently thus flanked him, or not, is only matter of conjecture. It is just reported to me, this 1.30 p. m., before closing of mail, that the Government is making no preparations for defense outside of the city; but the church towers, palace, and quarters are manned, and it seems the Government is disposed to await an attack in the streets of the city.

In this connection, referring to your No. 34 of October 28, only the Iroquois is here. The Shenandoah has gone south to Coquimbo, practically out of reach, and the Hartford has not reached Callao, but is reported at Payta; and though Americans here and at Callao would feel perhaps more comfortable if the latter ship were near, I have not telegraphed to the admiral, as I did not know certainly whether a message would find him there; or if it did, most likely he would not reach here before possibility of trouble had passed.

Only Captain Sterling, of the Iroquois, has placed himself in communication with me thus far.

I have, &c.,

CHAS. W. BUCK.

CORRESPONDENCE WITH THE LEGATION OF PERU AT
WASHINGTON.

No. 473.

*Mr. Elmore to Mr. Bayard.*LEGATION OF PERU IN THE UNITED STATES OF AMERICA,
Washington, March 31, 1885. (Received March 31.)

SIR: One of the instructions I received from my Government, when I left Lima last February on my return to Washington, as I had the honor to inform your excellency in our interview on Friday, the 27th instant, refers to the desire of the Peruvian Government to terminate the treaty of commerce and navigation, and the treaty of extradition now in force between the Republic of Peru and the United States of America, in order that, after making in them the reforms which may be deemed necessary and convenient, the two Governments may proceed to negotiate new treaties of the same nature, or others suitable to both countries.

Our treaty of friendship, commerce, and navigation now in force, was signed at Lima on the 6th of September, 1870, and the ratifications were exchanged also at Lima on the 28th of May, 1874.

Our treaty of extradition now in force, was concluded at Lima on September 12, 1870, and the ratifications were exchanged on the same day as the general treaty, namely, 28th May, 1874.

I beg to inclose copies of Article XXXVIII (extract) of the general treaty, and of Article IX of the extradition treaty, which establish the manner of terminating those instruments (annexes 1 and 2). In both of them the same principle is laid down, namely, both treaties were to last for the term of ten years from the day of the exchange of the ratifications, and further, until the end of one year after either of the high contracting parties shall have given notice to the other of its intention to terminate the same. On the 28th of May, 1884, it was ten years from the exchange of ratifications of both treaties.

I now, in compliance with my instructions, give to the Government of the United States, and in the name of the Republic of Peru, the notice provided for in the above-mentioned Articles XXXVIII and IX of the treaties referred to, respectively, and it will consequently be understood that both treaties will terminate on the 31st day of March, 1886. In doing this, I beg further to fulfill the special instruction of my Government, which orders me to state to your excellency that the Government of Peru is ready and willing to negotiate new treaties of friendship, commerce, and navigation and extradition, which, while making closer and more cordial the bonds of friendship between the two Governments, will at the same time be more in harmony with the present needs and interests of both countries.

Accept, &c.,

J. F. ELMORE.

[Inclosure.—Extract.]

Article XXXVIII of the treaty of friendship, commerce, and navigation between Peru and the United States; concluded, Lima, September 6, 1870; ratifications exchanged, Lima, May 28, 1874.

(1) The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof, and further until the end of one year after

either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at the end of the said term of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party, as above mentioned, this treaty shall altogether cease and terminate.

ARTICLE. IX of the treaty of extradition between Peru and the United States; concluded, Lima, September 12, 1870; ratifications exchanged, Lima, May 28, 1874.

This treaty shall commence from the date of the exchange of ratifications, and shall continue in force until it shall be abrogated by the contracting parties, or one of them, but it shall not be abrogated, except by mutual consent, unless the party desiring to abrogate it shall give twelve months' previous notice.

No. 474.

Mr. Bayard to Mr. Elmore.

DEPARTMENT OF STATE,
Washington, April 7, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo; formally announcing the desire of Peru to terminate the treaty of commerce and navigation and the treaty of extradition with the United States, now in force, and communicating the proposition of your Government to proceed to negotiate new treaties on the questions of those terminating on the 31st March, 1886, as above announced.

Hereby formally accepting the notice of termination of the said treaties, I have the honor to say that the Department will consider any drafts of treaties intended to supersede them which your Government may present.

Accept, &c.,

T. F. BAYARD.

PORTUGAL.

No. 475.

Mr. Hunter to Mr. Richmond.

No. 6.]

DEPARTMENT OF STATE,
Washington, September 27, 1884.

SIR: I inclose a copy of correspondence originating in a report made to the American Board of Commissioners of Foreign Missions, Boston, that five missionaries of that board had been obliged to quit Bihé and Bailunda, some 300 miles from Benguela, West Africa, and seek refuge with their families at the last-named place. The cause of this retirement is not fully known.

There seems to be no present occasion for diplomatic official action to secure these missionaries in any rights or privileges, but you will meantime, exercise any personal good offices which may tend to give them protection. Any rights they may be entitled to should be reserved in the course of inquiry on the subject. On ascertaining the cause of the retirement of these missionaries from the interior, you will please report

it in the terms in which the information is received, unless you are aware that the Department has already been apprised of the fact.

I have to add that Mr. Smith, the secretary of the board, has been reminded that information as to the citizenship of the missionaries ought also to be transmitted.

I am, &c.,

W. HUNTER,
Acting Secretary.

[Inclosure in No. 6.]

Mr. Smith to Mr. Frelinghuysen.

1 SOMERSET STREET, BOSTON,
September 17, 1884.

MY DEAR SIR: Permit me in the name of the American Board to solicit your favorable attention to a matter of public moment.

The missionaries of our board, five in number, together with their wives and children, who are stationed at Bihé and Bailunda, some 300 miles inland from Benguela, on the West African coast, for some cause not yet fully known to us, have been compelled to retire from their field, and are remaining at Benguela for safety. We desire to bespeak for them, while they remain there, the kindly offices of the Portuguese officials at Benguela, and we wish to lay the essential facts before you, in order that you may support and reinforce our suggestions to the Portuguese Government.

I take the liberty to inclose herewith a communication* addressed to the Portuguese minister at Washington, which I desire you, after having noted its contents, to transmit to his excellency with such expressions of interest as you shall be pleased to give.

The good will of the Portuguese at Benguela is important to the success of our enterprise, and we think the real interests of the Portuguese Government are involved in their maintaining friendly relations toward our brethren and fellow citizens there. The use of your personal and official influence in promoting these ends will be of great service, and, I assure you, will be most gratefully appreciated by all the officers and members of the American Board.

I have, &c.,

JUDSON SMITH,
Secretary, &c.

No. 476.

Mr. Frelinghuysen to Mr. Richmond.

No. 9.]

DEPARTMENT OF STATE,
Washington, October 24, 1884.

SIR: Referring to instruction No. 6 of the 27th ultimo, I now inclose a copy of a letter from the secretary of the American Board of Commissioners for Foreign Missions, giving full details of the base practices which led to the flight of the five missionaries there mentioned, from Bihé and Bailunda to Benguela. It appears that these gentlemen are American citizens, duly provided with passports *visaed* by the Portuguese officials, and that two of them held in addition the *guias* of the governor of Benguela. You will see that the case now presents a plain occasion for diplomatic action, and it is desired that you will immediately bring the facts to the attention of His Majesty's Government.

If, as is understood here, the King of Bailunda is a tributary dependent of Portugal, it is possible that he may already have been disciplined by His Majesty's authorities in the premises, but should you learn that

* For this inclosure, see inclosure see page 649.

this correctional jurisdiction extends to the King of Bailunda, and he has not yet been visited by Portuguese justice, you will, while invoking protection for our citizens under international obligations, and their restoration to the scenes from which they have been driven, as well as full restitution on account of the losses and injuries they have sustained, express the desire of this Government that any punitive laws of Portugal pertinent to the case may be carried out against the offenders, to the end of establishing the rights of American citizens peacefully residing in territory under Portuguese control.

The Department has been personally informed by His Majesty's minister here that he has addressed his Government on behalf of our citizens referred to, with an urgent representation of the facts so far as known to him.

It would seem by the inclosed letter that the governor of Benguela has taken action which deserves the thanks of this Government, and I have to ask that, in case this be confirmed, you will solicit the conveyance to that official of such assurances touching the satisfaction of this Department on being apprised of his favorable action as you may find proper.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 9.]

Mr. Smith to Mr. Frelinghuysen.

1 SOMERSET STREET, BOSTON,
October 17, 1884.

DEAR SIR: I have the honor to acknowledge the reception of your esteemed favor of the 23d ultimo, and also that of Acting Secretary Hunter of the 7th instant. And I desire to thank you most heartily in behalf of the great missionary board, in whose name I am charged to conduct this correspondence, for the very prompt and very satisfactory response you have made to the desires expressed in my former communication. I am now in condition to give you full details of the expulsion there referred to and to make one or two further requests.

The five missionaries of this board, who, with their families were stationed in Western Africa, at Bihé and Bailunda, 200 miles inland from Benguela, and who have been driven down to the coast, were all American citizens, and bore with them passports from this Government. All of these passports had been seen and approved by the Portuguese governor of Benguela, so that the mission was under the official recognition and virtual protection of the Portuguese authorities. Two of the missionaries had, in addition, the *guias* of the governor, and thus were fully recognized as wards of the Portuguese Government. In their violent expulsion, accompanied as it was with the loss of all their personal possessions as well as of all the property of the mission, the honor of this nation is directly concerned, by reason of the grave damage and loss which our fellow-citizens have sustained, and an insult has been thrown upon the local Portuguese authorities.

The story of the expulsion can be told in few words. The mission had two stations in two adjoining kingdoms, Bihé and Bailunda. The native kings had always shown themselves friendly and extended their patronage to their "whites," as they called these Americans; and the native population was pleased to have these men dwelling among them. A Portuguese trader had for some time been jealous lest in some way these men should interfere with his business. This last spring his jealousy broke out into open opposition, and he seems to have set himself deliberately to effect their expulsion or destruction. He went to these native kings and plied them with gifts, with promises, with countless falsehoods against our men. He failed completely in Bihé, but at length succeeded in turning the King of Bailunda, who is much the more powerful of the two, to his own purpose. The decisive accusation was that these men were criminals, fugitives from justice in their own country, and that he (this trader) had been sent by the governor of Benguela to arrest them and bring them back to their own land. The King's mind was thus completely won away, and he or-

dered the missionaries to leave his country immediately and take of their goods only what they could carry.

One member of the mission with great difficulty obtained an interview with the King, but was not suffered to make explanations, and was ordered to leave the camp instantly. In one respect this King showed great honor and manliness, namely, in refusing to take the lives of the missionaries, to which the trader was constantly urging him. July 4, the missionaries packed up the few goods they could carry, and in the midst of the devastation of their homes and the plundering of their goods, began a long and painful flight of 200 miles to the coast, during which they were often brought to great extremities, and out of which they came with the loss of all they had, but happily without the loss of any life.

They at once placed themselves under the protection of the Portuguese governor of Benguela, and made full representation to him of all the facts in the case, and obtained from him permission to reside in Benguela and a promise that he would secure for them redress of wrongs and restitution of their property. He said he had already sent for this trader to give an account of himself, and that he would compel the King of Bailunda to restore everything he had plundered. Two of the missionaries have come home to confer with the missionary board; the other three, with their families, are at Benguela awaiting the course of events.

It is obviously of great importance that the pledges of the governor of Benguela be faithfully and promptly carried out, and that this King who has so ruthlessly plundered our fellow-citizens without the least provocation on their part, should suffer for his misdeed, and give satisfactory pledges for the future, and thus be made to feel that it is not wise or safe to treat American citizens, under Portuguese protection, in this injurious and high-handed way. There is danger that the Portuguese authorities will not act with the energy and purpose which the case requires; and as citizens of the United States, and as officers of this missionary board, we do respectfully solicit your efficient aid in impressing the duty of the case upon the Government at Lisbon and so upon the governor at Benguela. If this King of Bailunda does not suffer in some way for this misdeed it will not be wise or safe for our missionaries to return to his country, or indeed to any country within hearing of that land. And our American citizens engaged in missionary work in other parts of Africa will be exposed to new and greater perils.

We have all needful promises on the part of the Portuguese authorities, if they are only fulfilled with proper promptitude and energy. And we rely very much upon your official aid to make the court at Lisbon realize to what degree the honor and good name of Portugal are at stake how gravely the friendly relations between herself and this Government are affected, and how intimately this question connects itself with the wider question of commercial and political supremacy on the West African coast. The nations of Christendom will surely demand that the authority which claims recognition on the coast show itself disposed and able to hold in check lawless violence and plunder like this which I have recited. But the facts are before you, and their bearing is indicated, and I do not need to argue the case at greater length.

Assured that this appeal on behalf of American citizens, made in the name of this great missionary board, whose membership extends to almost every State in the Union, and calling for action which is in perfect harmony with national interests as well as with the sentiments of humanity, will enlist your personal sympathy and your official intervention in all due forms and degrees,

I am, &c.,

JUDSON SMITH,
Secretary, &c.

No. 477.

Mr. Richmond to Mr. Frelinghuysen.

No 12.]

LEGATION OF THE UNITED STATES,
Lisbon, November 18, 1884. (Received December 2.)

SIR: I have the honor to acknowledge the receipt on the 15th instant of instruction No. 9, dated October 24, 1884, with inclosure relating to the expulsion of American missionaries from Bihé and Bailunda (Congo) and beg to inclose a copy of a note on the subject I have addressed to the minister of foreign affairs, which I trust will meet with the approval of the Department.

In the note to the foreign office I was unable to give the names of the missionaries, as none were mentioned in either of the instructions 6 or 9, and the names referred to by Mr. Smith in his letter of the 17th of September are not those of missionaries who are known to have passed through Lisbon.

Mr. Smith's letter of September 17, 1884, speaks of Mr. W. W. Bagster and Mr. W. H. Sanders.

On the register of the Hotel Durand, Lisbon, bound for Congo, appear the names of Frederick A. Walter and wife, July 15, 1881; Dr. F. Nichols and wife, September 1. The latter were accompanied by a Captain Semple, supposed to be an Englishman.

On the 19th of September, 1884, there arrived in Lisbon and left on the day following, having been driven out of Bihé, William E. Fay and Wesley M. Stover and wife.

I have, &c.,

LEWIS RICHMOND.

[Inclosure in No. 12.]

Mr. Richmond to Mr. du Bocage.

LEGATION OF THE UNITED STATES,
Lisbon, November 17, 1884.

YOUR EXCELLENCY: I have the honor to bring to the notice of your excellency certain events of grave import to both the United States and Portugal which have recently taken place on the west coast of Africa.

It appears that at Bihé and Bailunda, two places under the control of the Portuguese Government, lying some 200 miles inland from Benguela, there have been for some years missionary stations established by the American Board of Foreign Missions; these posts were occupied by five missionaries, citizens of the United States, with their families, who had resided at these places for the past four years, and who, by the example of their daily life, and confining themselves to the peaceful discharge of their religious duties, had won the respect and confidence of the people among whom their labors were directed. Each of these missionaries held his passport as a citizen of the United States visaed by the Portuguese governor at Benguela, and two of them in addition to this had the "guia" of the Portuguese governor of Benguela.

Early in the last spring the missionaries became aware of the machinations, for some unknown object, of a Portuguese trader against them. His intrigues continued, and, fortified by false accusations, assumption of authority from the Portuguese governor of Benguela, by promises and by presents, were brought to bear upon the kings both of Bihé and Bailunda; with the former they were ineffectual, but with the latter, the more powerful of the two, the point was gained.

The King of Bailunda, regardless of the passports of the United States, the visa of the governor of Benguela and his "guia," ordered that the missionaries should at once leave the country, bearing with them only such of their goods as they could carry. With great difficulty one of the missionaries obtained permission to present himself to the King, but no hearing was granted him and he was ordered to leave the camp instantly.

On the 4th of July, 1884, the orders of the King of Bailunda were carried out, the homes of the missionaries were destroyed, their goods were plundered, and, taking with them what few effects they could carry, the fugitives with their wives and children began their painful journey of 200 miles to the coast, where, after encountering many perils and hardships, they finally arrived, with the loss, however, of their little remaining property. They at once reported themselves to the Portuguese governor of Benguela who received them with kindness, gave them permission to reside in Benguela and a promise that he would secure for them redress of their wrongs, and compel the King of Bailunda to return the property he had plundered. As to the trader above mentioned, he informed the missionaries that he had already summoned him before him to give an account of his actions.

At the latest accounts three of the missionaries with their families were still awaiting in Benguela the restitution of their rights, while the other two had returned to the United States.

It is not doubted that the governor of Benguela will have used his every endeavor to fulfill his promises made to these citizens of the United States, but, as much time

has elapsed since the occurrence of the outrages and no intelligence has been received of restitution and redress obtained by their victims, it would appear probable that the aims of justice have not yet been accomplished. I therefore, as instructed, in presenting this case to your excellency, beg that it will receive the prompt attention of His Most Faithful Majesty's Government, and that vigorous steps may be taken for the vindication of the rights of these citizens of the United States according to international obligations, for full restitution for the losses and injuries they have sustained and for their restoration to the places from which they have been driven.

As regards the authors of these atrocities, the King of Bailunda and his abettor, should it prove that justice has not yet been meted out to them, I have the honor to express the desire of the Government of the United States that they speedily be visited with such condign punishment, under the laws of Portugal, as shall cause the rights of American citizens, wherever peacefully residing in territory under Portuguese control, to be by all men respected and maintained.

I avail, &c.,

LEWIS RICHMOND.

No. 478.

Mr. Frelinghuysen to Mr. Richmond.

No. 15.]

DEPARTMENT OF STATE,
Washington, December 9, 1884.

SIR: Acknowledging the receipt of your No. 12 (and inclosure), I transmit a copy of a letter from the secretary of the American Board of Commissioners for Foreign Missions, in further reference to the expulsion of certain of the missionaries of that Board from Bihé and Bailunda, Africa, and a copy of a note* from the minister of Portugal here on the subject. It is evident from these that the Government of Portugal will use its best endeavors to protect the said missionaries.

Approving your action in the matter,

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 15.]

Mr. Smith to Mr. Frelinghuysen.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Boston, Mass., November 19, 1884. (Received November 19.)

DEAR SIR: Permit me to call your attention to one or two facts brought to my knowledge by a recent mail from Benguela, West Africa.

You will recall from former letters of mine that the American missionaries recently expelled from Bailunda and Bihé went to those regions under the protection of the Portuguese authorities, both in Lisbon and in Africa. The governor of Benguela saw and approved their passports and took them under his protection. When the native King of Bailunda, instigated by a Portuguese slave-trader, drove them out and plundered them, the governor of Benguela promised them restitution of property and redress of wrongs. This governor has since consulted his superior, the governor-general at Loanda, and now informs these Americans at Benguela that he has no authority in Bailunda, that he sustains no official relations to the King of Bailunda, and that he can do nothing in their case, except in so far as he receives authority from the governor-general at Loanda. Accordingly, our missionaries have carried their whole case to the governor-general, have recited the full details of their coming to the country and of their expulsion, and have asked justice and reparation at his hands in the name of their country, of humanity, and of the treaty relations between the United States and Portugal. Mr. R. S. Newton, United States vice-consul at Loanda, is acting in behalf of the missionaries.

* For this inclosure see document No. 491, page 650.

In their letters to me, our men do not seem to feel much confidence that any real justice will be done or any satisfactory reparation be made by the Portuguese officials. They think that when her own interests are concerned, Portugal has complete authority on that western coast of Africa, but when she has no interest her authority is very meager and very limited. I do not know that anything more can be done in behalf of these Americans in Benguela than your excellency has already caused to be done. It is of so much importance to the security of the work our mission board is attempting there that the active friendliness of Portugal should be secured; it is so needful to all enterprise, commercial and geographical, that the native princes should be made to respect the citizens of civilized nations, peaceably pursuing legitimate business among them, that I am sure you will take any further steps in the case which your own judgment shall decide to be wise and needful.

Hoping that the claims of Portugal to exclusive authority in those parts may be made to prove a reality for the benefit of these our fellow-citizens, or that they may be definitely withdrawn, so that something really effective from some other source may take their place, and submitting the whole matter with most cheerful confidence to the wisdom and decision of your excellency,

I am, &c.,

JUDSON SMITH,

Secretary American Board of Commissioners for Foreign Missions.

No. 479.

Mr. Frelinghuysen to Mr. Richmond.

No. 17.]

DEPARTMENT OF STATE,

Washington, January 27, 1885.

SIR: I inclose a letter addressed to you by Mr. Judson Smith, secretary of the American Board of Commissioners for Foreign Missions, Boston, stating that the east central African mission of the board has secured a concession of a tract of land near Inhambane Bay, within the jurisdiction of the Portuguese Government, administered from Mozambique, but cannot extend their missionary operations in the districts outside, owing to restrictions of the Mozambique Government. These restrictions, in the interest of civilization and general enlightenment, they are naturally anxious to have removed.

The liberal methods adopted by the Portuguese Government heretofore in like directions encourage the belief that no serious obstacle will be found to prevent the self-sacrificing efforts of these missionaries being employed in this wide field. The good designs of the board are evidently too broad to be classed as sectarian; their purposes are at the farthest possible remove from political purposes, and their request is commended to your judicious and friendly good offices, conducted, of course, with due regard to the established faith in Portugal.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 17.]

Mr. Smith to Mr. Richmond.

BOSTON, MASS., *January 17, 1885.*

DEAR SIR: Permit me, in behalf of the American Board of Commissioners for Foreign Missions, to make a representation of facts and to prefer a request:

The East Central African Mission of the Board has recently applied for a claim to be located on Inhambane Bay within the jurisdiction of the Portuguese Government administered from Mozambique, and they have secured a concession of a tract of land

suitable for the beginning of their work. But they are restricted in their religious teaching to the few natives whom they can employ upon the land conceded to them, and can undertake missionary operations in the districts outside only at the peril of losing their claim and being driven from the province altogether. There is a large population within easy reach of their settlement, more than 100,000, who are entirely without knowledge of the Bible or Christianity, and who make a powerful appeal to Christian sympathy and help. If the restriction of the Mozambique Government could be modified or withdrawn our men would gladly undertake Christian labor in behalf of these people, and would be ready to give any reasonable pledges of fidelity to the interests of the Mozambique Government. In this age, when all heathen nations are open to the Gospel, when Africa stands so conspicuous in the eyes of the European nations and all the arts and industries and commerce of the civilized world are seeking this great continent, it would seem only right that the supreme blessing of the great nations should have free access to all the peoples and tribes of Africa.

In view of these facts, I beg leave to request of you that you will represent the facts above narrated to the courts at Lisbon, and that you will use your best offices in inducing His Majesty the King of Portugal to withdraw the restriction which now rests upon our missionaries on Inhambane Bay, and to grant to them that freedom of religious teaching which our missionaries already enjoy in China and Japan, in Turkey and India. I am sure that His Majesty the King will favorably consider this request; and that his regard for the opinion of this Government and for that of the Christian nations of Europe will dispose him to grant it.

I am happy to be assured that you, my dear sir, will personally favor this suit of our great mission board, and will use your uttermost endeavors to secure its favorable reception and early success.

In behalf of the American Board of Commissioners for Foreign Missions.

I am, &c.,

JUDSON SMITH,
Secretary American Board of Foreign Missions.

No. 480.

Mr. Richmond to Mr. Frelinghuysen.

No. 18.]

LEGATION OF THE UNITED STATES,
Lisbon, February 16, 1885. (Received March 3.)

SIR: I have the honor to acknowledge the receipt of instruction No. 17, dated January 27, 1885, relating to the restrictions placed upon missionary work in East Africa, and beg to report that I have addressed a note on the subject to the minister of foreign affairs. I inclose a copy of the note for the information of Mr. Judson Smith, should the Department think it worth while to furnish it.

In addition to the note I propose having a personal interview with the minister of foreign affairs on the 18th instant, in order to furnish him with any information he may desire concerning the missionaries.

I am, &c.,

LEWIS RICHMOND.

[Inclosure 1 in No. 18.]

Mr. Richmond to Mr. du Bocage.

LEGATION OF THE UNITED STATES,
Lisbon, February 16, 1885.

YOUR EXCELLENCY: I have the honor to inform your excellency that the American Board of Foreign Missions has secured for the use of certain of its agents the concession of a tract of land in Inhambane Bay, within the jurisdiction of the Portuguese Government at Mozambique, and lying in close proximity to a population of over 100,000 of the natives of the soil.

The condition of this large number of human beings, untouched by the enlightening influences of civilization, is such as to excite the keenest sympathy and prompt

the most painstaking labor of the philanthropist and Christian, and it is the object of the self-denying men who are now making their home in East Africa to teach this benighted people the gentle arts of peace, to impart to them the blessings of knowledge, to lead them to a higher and better life, and make them worthier members of a community of which they form so large a part.

From the attainment of this end, alike advantageous to the natives and the Government under which they live, the agents of the Board of Missions are at present withheld by certain regulations of the Government of Mozambique, which restrict their ministrations to the natives employed on their own (the missionaries') land, while the vast area of ignorance and barbarism around them must be left uncared for.

In presenting this subject to the attention of your excellency, it is with the full confidence that the enlightened and liberal Government of his Most Faithful Majesty, recognizing the importance of enlisting in its interest so valuable an influence in the improvement of its subjects as that which now offers itself, will cause to be repealed regulations which now hamper its usefulness, and that thus the African territory under Portuguese dominion may be thrown open, as are all other lands, to those whose only mission it is to spread peace and good will among their fellow men.

I avail, &c.,

LEWIS RICHMOND.

[Inclosure 2 in No. 18.]

Mr. Richmond to Mr. Smith.

LEGATION OF THE UNITED STATES,
Lisbon, February 16, 1885.

DEAR SIR: Your letter of the 17th ultimo, relating to the difficulties encountered by your missionaries in East Africa, was transmitted to me by the Department of State, accompanied by an instruction directing me to use every proper means to advance your views, and I now beg to inform you that I have addressed a note to the minister of foreign affairs on the subject, which will be followed by a personal interview on the 18th instant. The result, I trust, will be satisfactory to you.

Any services of mine during the brief remainder of my term of office, which will in any way aid the noble work of your missionaries, will always be gladly placed at your disposal.

I am, &c.,

LEWIS RICHMOND.

No. 481.

Mr. Bayard to Mr. Lewis.

No. 4.]

DEPARTMENT OF STATE,
Washington, May 29, 1885.

SIR: I inclose a copy of a letter from Mr. Judson Smith, secretary of the American Board of Commissioners for Foreign Missions, in further reference to the subject of Instruction No. 17 of January 27 last to your predecessor.

That instruction directed Mr. Richmond to use all proper good offices in the direction of furthering the legitimate efforts of certain American missionaries under the immediate control of the local Mozambique Government, but with a due regard to the established faith in that quarter.

Mr. Richmond's No. 18 of the 16th February reported action, and his letter on the subject to Mr. Smith was forwarded to that gentleman.

You will please continue the good offices of the legation in the sense of the instruction of January 27 last, if necessary.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 4.]

*Mr. Smith to Mr. Bayard.*1 SOMERSET STREET,
Boston, Mass., May 7, 1885.

DEAR SIR: The American Board has three missionaries stationed on Inhambane Bay, on the east coast of Africa. All of these gentlemen are American citizens and bear with them the passports of our Government. They are within the limits of the Portuguese jurisdiction on that coast, and have received permission of the authorities at Mozambique to take up a tract of 2,500 acres wherever they may choose to locate. This permission is accompanied with a positive restriction, forbidding them to engage in religious teaching or preaching beyond the limits of the above concession. Our missionaries find that this restriction interferes directly and seriously with their work, and they earnestly desire to have it withdrawn. Their work is wholly religious and educational, and they are forbidden by the terms of the commission they receive from us to engage in trade of any kind or to interfere in any way with the politics or government of the nations where they are stationed, and I am not aware of any instance in which any one in our service has overstepped these limits.

Some months since I had the honor to communicate with the authorities at Lisbon, through the Department of State, on this subject, and I have received word from Mr. Richmond, United States minister at Lisbon at the time, to the effect that the Portuguese Government were in communication with the governor-general of Mozambique, and that I should soon learn what disposition had been made of the matter.

As no further communication has reached me, and as the restrictions still bear heavily upon our men and their work, I desire to learn what further information may be in the hands of the Department of State as to the determination of the court at Lisbon in the case. I beg leave to suggest the great value I should place upon any re-enforcement of the request with which you are pleased to accompany the inquiry. The thing asked for is so just and proper in itself, is so much in harmony with the courtesy our missionaries in other countries are wont to receive, and, above all, is so precisely in keeping with the provisions of the Berlin conference to which the great powers, Portugal included, have subscribed, that it would seem only reasonable to expect that a favorable answer to our request would soon be returned.

I know how heartily your judgment will support the request, and I trust that your official representations will soon secure the desired result.

Hoping for an early response according to your convenience, I am, &c.,

REV. JUDSON SMITH, D. D.,

Foreign Secretary American Board of Commissioners for Foreign Missions.

No. 482.

Mr. Porter to Mr. Lewis.

No. 6.]

DEPARTMENT OF STATE,
Washington, June 8, 1885.

SIR: I inclose a copy of a further letter from Mr. Smith, secretary of the American Board of Commissioners for Foreign Missions, touching the case of the missionaries, United States citizens, expelled from Bihé and Bailunda, Western Africa, also a copy of a report in the matter prepared by the law officer of the Department. You are referred to previous instructions in connection with the case.

The report succinctly outlines the subject and its proper mode of treatment, but is *not*, of course, to be communicated *in extenso* to the Portuguese Government.

I am, &c.,

JAS. D. PORTER,
Acting Secretary.

[Inclosure 1 in No. 6.]

*Mr. Smith to Mr. Bayard.*1 SOMERSET STREET,
Boston, Mass., May 26, 1885.

DEAR SIR: An important communication has just reached me from the missionaries of this board at Bailunda, in the Portuguese province of Angola, Western Africa. For the facts concerning the expulsion of these missionaries, and the state of the correspondence with the Portuguese Government concerning it, permit me to refer you to letters on file in your Department, written by me under the following dates: October 17, 1884, November 1, 1884, and November 19, 1884.

Mr. F. A. Walter, of this mission, now resident at Benguela, has been in correspondence with the governor-general at Loanda, and with Mr. Robert S. Newton, United States vice-consul at the same port, and valuable privileges have been granted to our missionaries by his excellency the governor-general, and assurances that the expulsion should be thoroughly examined into and justice impartially done according to the facts. Rev. W. H. Sanders, also of this mission, and now resident at Bailunda, has been in correspondence with the native Kings of Bailunda and Bihé. The communications just received, of which I send you three copies, designated A, B, and C, seem to show that the violation of the protection of which our missionaries had been officially assured by the Portuguese authorities at Loanda, and the loss of property accompanying the expulsion, were due to the direct instigation of a Portuguese trader, who was fully authorized in all he did by the Portuguese governor of Benguela.

These facts seem to warrant a call by our Government upon the Government at Lisbon for satisfactory explanations and full reparation for any damages sustained by American citizens through the neglect or bad faith of Portuguese officials.

Fully assured of your interest in the due protection of our fellow-citizens, and in the righting of so serious a wrong, and desiring that you will call upon me for further and more exact information, if needful,

I remain, &c.,

JUDSON SMITH,
Secretary American Board of Commissioners for Foreign Missions.

[Inclosure A in inclosure 1 in No. 6.—Translation.]

Letter of Soba of Bihé to the governor-general of Angola, beginning after the enumeration of his titles.

The official note of your excellency of the 2d of January of the current year came to my hand by Reverend Arnot, and by it I learn that you gave an order commanding me to live with the missionaries in good feeling and peace, and to give them all the aid they may need. In this I inclose an official note from the governor of the district of Benguela, in reply to my No. 3 of the 19th of March of the past year, to whom I sent to know why these missionaries came without even presenting me an official note from the Government of Beng, for my government and responsibilities in whatever may happen to them and duty of seeing to their relations (?) with my subjects and to give them all needed aid; notwithstanding this (was?) only in consideration of the fact that this district of Bihé is under the rule of the flag of his most faithful Majesty, D. Luiz First, to whom we give obedience.

In March of the past year the citizen Edward Braga came with the aim of getting his goods from those who had them, and nothing did he effect until he presented himself to me, speaking about the missionaries that they be robbed and expelled, (as to) which I opposed the citizen Braga that it was impossible that we should do such a barbarous cruelty, for the district of Bihé, since D. Soba Cangome came from Loanda, sent by his excellency the governor-general of the province, is not accustomed to practice such manners toward white Europeans who pass, as well as the traveler who crosses; therefore I am not willing to do your wish; I will fulfill the order only with an official note from the governor of the district; (as the command, so I will do; ?) and in reply came this which I inclose. It is not from our spontaneous wish and greed (or ambition?) that we wished to do such base hostilities without having motives; nevertheless, since we are ignorant of the purposes of the aforementioned missionaries, therefore I wait to assure myself of the feelings of my Government. I judge that this (it is ?) treachery against the missionaries. I suppose it will be because of business? or it might be from hatred. I was authorized by the government of Benguela, the Soba of Bailunda, especially Mr. Edward Braga, who came to influence us to the deed, with the helpers or employés, who are Saraphim, Diamantino (the convict),

and Freitas Catongone. The missionaries will tell you as to who are truly the instigators of the robbery which they suffered. Hence it is impossible that the government of Benguela and E. Braga place (evil) motives to the charge of my subjects and myself and to the (Soba) of Bailunda, and for your certainty I send the official note to your Government. I ask of your excellency that they may come and treat about their dwelling places and their affairs, assuring them that they are to measure out a monthly tribute because of the care I must take to give them the aid they may need; because of our peace and quiet, and when they shall not accept (the location I indicate (?)) they can take the heights which may be most convenient. I have to say that whatever they suffered is due to the government of Benguela and the citizen Braga—they are the ones who should confess it.

The reverend sirs (the priests) have not yet arrived here. As soon as they do I will let you know, and I promise that they shall be well received and hospitality; they are in Sambo (?) The aforementioned Americans may come without fear.

God keep your excellency.

District of Bihé, 16th of March, 1885.

The most excellent governor-general of the province of Angola.

From the vassal of the Portuguese flag, D. Soba, Peter 5th Cangombe, grandson,
JAMBA JAMINA.

[Inclosure B in inclosure 1 in No. 6.—Translation.]

Letter from the governor of Benguela to the King of Bihé.

PROVINCE OF ANGOLA.

FRIEND SOBBA. In addition to your official note, which at this date I send you, I have to say that with reference to the missionaries the things which you mention in your official note of 19th of March, I know nothing about, and I consider it queer that they should not have presented themselves with a guia passed by this Government. At all events, while I shall not have most of the explanations that I desire to get, if there shall be need to decide any question whatever which may concern you or these people, you may on the subject consult the citizen Braga, who is qualified to decide it, and to counsel you in what shall be necessary, giving you all the explanations which you shall ask of him.

God protect you and have you in his holy keeping.

Government of Benguela, 19th of May, 1884.

CAETANO RODRIGUEZ CAMINHO.

D. PEDRO CANGOMBE NETO,
Sobba of Bihé.

[Inclosure C in inclosure 1 in No. 6.—Translation.]

Letter of the King of Bihé to Mr. Sanders.

BIHÉ, March 16, 1885.

Rev. W. SANDERS:

FRIEND AND SIR: By Mr. Arnot I received an official note from the governor of Benguela as well as from the governor-general of Loanda with positive orders to live with your excellencies, which I accept with good will. I have to say to you that Mr. Arnot carries to your excellency an official note in reply to that from the government of Loanda, which Mr. Arnot has read, and it is well written, and with it the official note from the government of Benguela, in which he gave me orders to have a fuss with you and to take your empty boxes or furniture, since you left no cloth except a small bale of poor riscado, and your provisions and books and iron ware. You, my friend, know that when you came here to live I received you very well. Whatever your excellency suffered, put to the charge of Mr. Braga and his employés Freitas, Catangone, and the convict Diamantino and Saraphim, and the governor of Benguela. If your excellency wishes the articles lost here, complain to the governor who commanded me to take from you whatever you had. But I am your much friend, and was already ready to put my sons in your charge to be taught to read, and Braga opposed me in it all.

But since I have an order from the governor-general, you can come to look after your works; but I claimed to the governor of Loanda that you, my friends, should give me a fixed sum by the month; but you can come when you please. The fault is

not mine; it belongs to those of Benguela. Your excellency can make demands on the governor of Benguela and Braga, as your excellency is not ignorant about the matter. But I pass to say to you that your excellency has not become acquainted with my people, nor with the headmen and the sergeants. Yet these are the ones who will see that you get justice in case of any trouble. You, my friend, when in Bailunda were liberal to those who are greater robbers than we, yet when you shall come here to live give up this custom (of being close-fisted with the Biheans). Come and see about your affairs, and when you shall come we will talk over the whole matter well.

If you wish to read my letter to the governor of Loanda, you can do so and seal it again in order to know whether your friend Gonçalves wrote well or not. And whatever white shall come in your company let him bring an official note in every case, or his guia in order that I may receive him. Without it I will receive no one except my friends Sanders and Fay, persons whom I know.

Without more I desire you health, and I await you and your orders, and I am of your excellency, the friend and servant,

D. PEDRO, 5th CANGOMBE NETO YAMBA JAMINA.

N. B.—If you shall need the medical book you can redeem it with one bale of 20 pieces, one gun, and one blanket.

[Inclosure 2 in No. 6.]

DEPARTMENT OF STATE, WASHINGTON, D. C.,
Law Bureau, June 3, 1885.

The correspondence on file in this Department shows the following facts relative to the expulsion of the American missionaries from the Kingdoms of Bailunda and Bihé, situated in the western portion of Africa, 200 miles from the coast, and under the suzerainty of Portugal.

In a letter dated October 17, 1884, Mr. Judson Smith, secretary of the American Board of Commissioners for Foreign Missions, narrates the story of the expulsion as follows:

"The mission had two stations in two adjoining kingdoms, Bihé and Bailunda. The kings had always shown themselves friendly and extended their patronage to their 'whites,' as they called these Americans, and the native population was pleased to have these men dwell among them. A Portuguese trader had for some time been jealous lest in some way these men should interfere with his business. This last spring his jealousy broke out into open opposition, and he seems to have set himself deliberately to effect their expulsion or destruction. He went to these native kings and plied them with gifts, with promises, with countless falsehoods against our men. He failed completely in Bihé, but at length succeeded in turning the King of Bailunda, who is much the more powerful of the two, to his own purpose. The decisive accusation was that these men were criminals, fugitives from justice in their own country, and that he (this trader) had been sent by the governor of Benguela to arrest them and bring them back to their own land. The King's mind was thus completely won away, and he ordered the missionaries to leave his country immediately, and take of their goods only what they could carry. One member of the mission with great difficulty obtained an interview with the king, but was not suffered to make explanations, and was ordered to leave the camp instantly. In one respect this King showed great honor and manliness, namely, in refusing to take the lives of the missionaries, to which the trader was constantly urging him.

"July 4th the missionaries packed up the few goods they could carry, and in the middle of the devastation of their homes and the plundering of their goods, began a long and painful flight of two hundred miles to the coast, during which they were often brought to great extremities, and out of which they came with the loss of all they had, but happily without loss of life. They at once placed themselves under the protection of the Portuguese governor of Benguela, and made full representation to him of all the facts in the case, and obtained permission from him to reside in Benguela, and a promise that he would secure for them redress of wrongs and restitution of their property. He said he had already sent for the trader to give an account of himself, and that he would compel the King of Bailunda to restore everything he had plundered."

On September 25, 1884, the Department addressed a note to the Portuguese minister in the United States, informing him of the occurrence of the expulsion of the missionaries, and asking that the case be represented to the Government of Portugal, "so that ample protection may be afforded."

To this the minister replied, under date of November 17, 1884, that his Government had already received news of the occurrence, and that the governor of Benguela had been instructed fully to investigate the matter, and that as soon as this was done the

Government would give a decision which would show its desire to let no wrong go unpunished.

Under date of October 24, 1885, the Department instructed the United States minister at Lisbon that "it appears that these gentlemen are American citizens duly provided with passports, *visaed* by the Portuguese officials, and two of them held in addition the 'guia' of the governor of Benguela.

"You will see that the case now presents a plain occasion for diplomatic action, and it is desired that you will immediately bring the facts to the attention of His Majesty's Government.

"If, as is understood here, the King of Bailunda is a tributary dependent of Portugal, it is possible that he may have been already disciplined by His Majesty's authorities in the premises; but should you learn that this correctional jurisdiction extends to the King of Bailunda, and he has not yet been visited by Portuguese justice, you will, while invoking protection for our citizens, under international obligations, and their restoration to the scenes from which they have been driven, as well as full restitution on account of the losses and injuries they have sustained, express the desire of this Government that any punitive laws of Portugal, pertinent to the case, may be carried out against the offenders, to the end of establishing the rights of American citizens peacefully residing in territory under Portuguese control."

The letter from Mr. Smith, under date May 26, 1885, which brings up the subject anew, states that the governor-general of Loando gives assurances that the expulsion should be fully inquired into and justice impartially done. The same letter shows that one of the members of the mission has maintained a correspondence with the King of Bailunda and Bibé, copies of which are inclosed therein, tending to show that the wrong done the missionaries was "due to the direct instigation of the Portuguese trader, who was fully authorized in all he did by the Portuguese governor of Benguela," and that in view of these facts it is believed that a call upon the Government of Portugal for satisfactory reparation is warranted.

The facts that are contained herein have been acted on in this Department, and instructions issued to our minister at Lisbon, under date of October 24, 1884, to present them to the Government of Portugal for the purpose of asking reparation to the parties whose injuries are thus detailed. It is unnecessary to do more now than to ask the renewed attention of the United States minister to Portugal to the importance of pressing the claim earnestly but courteously upon the Government of Portugal.

All of which is respectfully submitted.

FRANCIS WHARTON,
Solicitor.

No. 483.

Mr. Lewis to Mr. Bayard.

[Extract.]

No. 10.]

LEGATION OF THE UNITED STATES,
Lisbon, July 14, 1885. (Received July 27.)

SIR: I have the honor to inclose copy of a letter addressed by me to the minister of foreign affairs regarding the instructions received by me from the Department of State (No. 6, dated 8th June), in reference to the ill treatment received by the missionaries at the hands of the natives of the west coast of Africa. I have seen Mr. Stover, one of the above-mentioned missionaries, who passed through Lisbon on his way to his former post, and he tells me that they will all return, and have no fears for their lives, but he thinks it doubtful whether they will be able to recover anything from the native king on account of their losses. My impression is that they will not again be disturbed. That seems to be the impression of Mr. Stover also.

So soon as I receive a reply from the minister of foreign affairs to my note of June 27 it shall be forwarded, with translation, to the Department of State. * * *

I have, &c.,

E. P. C. LEWIS.

[Inclosure in No. 10.]

*Mr. Lewis to Mr. du Bocage.*LEGATION OF THE UNITED STATES,
June 27, 1885.

YOUR EXCELLENCY: I beg leave to call your excellency's attention to a note addressed to your excellency by my predecessor on November 17, 1884, and to which I find no reply. That communication took notice of certain events of grave import to both the United States and Portugal, which had taken place on the west coast of Africa.

It appears that at Bihé and Bailunda, two districts under the control of the Portuguese Government, lying inland some two hundred miles, there were five missionaries, with their families, citizens of the United States, living peaceably and quietly, and only attending to their missionary labor—that of preaching and teaching. These men were forcibly driven from their homes and only allowed to take with them what they could carry, the rest of their property being appropriated by the natives. After a long and tedious journey they reached the Portuguese province of Benguela, on the coast, losing on the way what little they had taken. It is alleged upon what seems to very good authority that the King of Bailunda was instigated to this course by a Portuguese trader named Edward Braga, who, being jealous of these missionaries, determined to have them driven from the country, and succeeded in poisoning the mind of the King of Bailunda against them.

Redress has been promised, but as yet has not been done; and I am instructed by the Department of State to call the attention of His Majesty's Government to the fact, and ask that this matter shall be looked into with as little delay as possible, and redress given to these citizens of the United States that have been treated so badly.

I avail, &c.,

E. P. C. LEWIS.

No. 484.

Mr. Lewis to Mr. Bayard.

No. 11.]

LEGATION OF THE UNITED STATES,
Lisbon, July 16, 1885. (Received August 4.)

SIR: I have the honor to transmit inclosed copy of a note from the minister of foreign affairs, with a translation thereof, dated 14th instant, in reply to my communication of the 27th June last.

I think it more than likely, from my conversation with Mr. Stover, one of the missionaries, that they will not be further disturbed, and that a good portion of their goods have been restored to them. They evidently appear satisfied that, as a result of the action taken by the Government of the United States, no further molestation will occur.

I have, &c.,

E. P. C. LEWIS.

[Inclosure in No. 11.—Translation.]

*Mr. du Bocage to Mr. Lewis.*MINISTRY OF FOREIGN AFFAIRS,
Lisbon, July 14, 1885.

In answer to the note which your excellency addressed to me on the 27th ultimo, in regard to the expulsion of the American mission residing in Bihé and Ballunda, I have the honor to communicate to your excellency that as soon as the note was received from your excellency's predecessor of 17th November, 1884, to which your excellency referred, I asked from the minister of colonies the expedition of the necessary instructions for the purpose of redressing such wrongs as might have been unjustly inflicted upon the said mission by the Sobas and the natives of Bihé and Bailunda, and to punish the guilty, in case the suspicions of the American board

should be confirmed—that a Portuguese subject had been the secret instigator of the violence exercised against the missionaries. In due time the minister of the colonies informed me that the governor-general of Angola had ordered inquiry to be made by the governor of Benguela as regarded the occurrence.

The results of the inquiry made did not justify the assumption that the events so worthy of censure could be attributed with justice to any acts of the Portuguese subject, Edward Braga. It seemed more probable that the inbred covetousness of the Sobas and natives was the only cause of the serious occurrences which it was unhappily impossible to avert. I was informed that the governor had interposed his influence for the purpose of restoring to the American missionaries the property of which they had been so violently despoiled. I was also advised that in compliance with the petition of Mr. Robert S. Newton, vice-consul of the United States at Loanda, and of Mr. Walter, president of the American mission at Benguela, that the governor-general had written to the Sobas of Bihé and Bailunda letters pressingly recommending the missionaries—letters of which they themselves were the bearers. The vice-consul and Mr. Walter appeared satisfied with the measures adopted. I gave verbal notice of these facts to your excellency's predecessor, who was to have communicated them to his Government.

I hasten to inform your excellency that I will attempt to procure further information as regards any facts which may since have occurred of which to-day I am ignorant.

I avail, &c.

J. V. BARBOZA DU BOCAGE.

No. 485.

Mr. Lewis to Mr. Bayard.

No. 16.]

LEGATION OF THE UNITED STATES,
Lisbon, August 10, 1885. (Received August 29.)

SIR: Referring to your instruction No. 4, of May 29, I have the honor to report that on the 24th of June I addressed a note to his excellency Senhor du Bocage, minister of foreign affairs, copy of which I inclose.

On the 8th instant I received a reply, dated July 30, thereto, as well as to a note from my predecessor, of date February 16 last, on the same subject. It will be seen by a reference to a copy of Senhor du Bocage's note and to the translation thereof, both inclosed, that His Majesty's Government, by implication at least, does not consider as necessary that any special permission should be issued to enable the missionaries recently established at Mozambique to extend their civilizing teachings wherever they may conduce to progress and civilization.

His excellency observes that there are no laws existing which forbid foreign missionaries in Mozambique giving instruction of a humanizing character to the natives of that province.

I have, &c.,

E. P. C. LEWIS.

[Inclosure 1 in No. 16.]

Mr. Lewis to Mr. du Bocage.

LEGATION OF THE UNITED STATES,
Lisbon, June 24, 1885.

YOUR EXCELLENCY: The American Board of Missions has three missionaries stationed on Inhambane Bay on the east coast of Africa. These gentlemen are American citizens, and are within the limits of Portuguese jurisdiction. They have received permission from the authorities at Mozambique to take up 2,500 acres of land wherever they may choose to locate, but are not allowed to engage in religious teaching or preaching beyond the limits of the above concession.

The attention of His Majesty's Government was invited to this matter by my predecessor in his note addressed to your excellency dated February 16 last, and I am

instructed by the State Department to inquire of your excellency what action His Majesty's Government has taken thereon. The work of these gentlemen is wholly religious and educational, and they are expressly forbidden to take any part in politics or trade.

Knowing the liberality of His Majesty's Government, and the assistance always given to worthy objects, the Government of the United States trusts that such concessions will be granted the American Board of Missions by the Portuguese Government that can be consistently asked for, and that civilization will be benefited thereby.

I avail, &c.,

E. P. C. LEWIS.

[Inclosure 2 in No. 16.—Translation.]

Mr. du Bocage to Mr. Lewis.

MINISTRY OF FOREIGN AFFAIRS,
Lisbon, July 30, 1885.

In answer to the notes which your excellency was pleased to address me on February 16 and June 24 ultimo, I have the honor to say that no laws exist in the province of Mozambique forbidding foreign missionaries giving the indigenous population the instruction they need, and developing among them love for work and virtue, thus leading them on the road of progress and civilization.

I avail, &c.,

J. V. BARBOZA DU BOCAGE.

No. 486.

Mr. Porter to Mr. Lewis.

No. 11.]

DEPARTMENT OF STATE,
Washington, August 12, 1885.

SIR: I have to acknowledge the receipt of your No. 11, and to express satisfaction with the tenor of the note from the foreign office, a copy of which you inclose, promising measures of redress in the case of the missionaries, American citizens, lately expelled from Bihé and Bailunda, West Africa. It is hoped that their property will be recovered and that their future immunity from molestation is secured.

I am, &c.,

JAS. D. PORTER,
Acting Secretary.

No. 487.

Mr. Lewis to Mr. Bayard.

[Extract.]

No. 20.]

LEGATION OF THE UNITED STATES,
Lisbon, September 11, 1885. (Received October 3.)

SIR: As instructed by your No. 12 of August 13 last, referring to the case of missionaries, American citizens, expelled from Bihé and Bailunda, West Africa, I have the honor to report, that immediately after the return to Lisbon of the minister of foreign affairs I had an interview with his excellency and handed him, informally, copies of the papers inclosed in the instruction above acknowledged.

* * * * *

Senhor du Bocage in receiving the copies assured me of the desire of His Majesty's Government to elicit the truth in relation to the circumstances which led to this deplorable occurrence; that his colleague, the minister of marine and the colonies, had the case under examination, and that in forwarding Senhor Chagas the new evidence I had laid before him, he would forcibly appeal to his excellency to furnish the result of the examination ordered at Benguela with the least possible delay; and when that report was received at the foreign office he would hasten to communicate to me the views taken on the subject by His Majesty's Government. His excellency also informed me that a reliable report had arrived from the west coast of Africa that the aforesaid Edward Braga was dead.

Before the termination of the interview, Senhor du Bocage said that he desired, in an entirely informal manner, to communicate to me for my information the substance of a letter recently sent by the governor of Benguela to the home Government.

* * * * *

I have, &c.,

E. P. C. LEWIS.

No. 488.

Mr. Lewis to Mr. Bayard.

No. 32.]

LEGATION OF THE UNITED STATES,
Lisbon, November 17, 1885. (Received December 5.)

SIR: I have the honor to report that the Right Rev. William Taylor, missionary bishop of the Methodist Episcopal Church in America, arrived here a few days since from the west coast of Africa, where he has been for the past seven or eight months engaged in establishing industrial and mission schools in the Portuguese provinces of Angola and Loanda. The governors of Loanda and Angola have been very kind, and have deeded them all the land they wanted, and they took with them all the supplies and money they needed. I presented him yesterday to His Majesty Dom Luiz I, who received him most graciously and conversed with him for some time, seeming to be much interested in his account of his work in Africa, and wishing him all success.

I have, &c.,

E. P. C. LEWIS.

CORRESPONDENCE WITH THE LEGATION OF PORTUGAL AT WASHINGTON

No. 489.

Mr. Frelinghuysen to Viscount das Nogueiras.

DEPARTMENT OF STATE,
Washington, September 25, 1884.

MY DEAR VISCOUNT: I beg to inclose a letter (transmitted hither in an envelope bearing your address) which I am asked by the secretary of the American Board of Commissioners for Foreign Missions to place in your hands. Mr. Smith (the secretary) states in a com-

munication to the Department of the 17th instant that the missionaries of that board (five in number) who were stationed at Bihé and Bailunda, some 300 miles inland from Benguela, on the West African coast, for some cause not yet fully known to him, have been compelled to retire from that quarter, with their wives and children, and are now at Benguela for safety; and he desires to bespeak for them, while they remain there, the kindly offices of the Portuguese officials at that point.

As the statement of Mr. Smith does not apparently call for any formal diplomatic action through our legation, but is nevertheless of a character to make your good offices important to these citizens of the United States, whose general influence on the natives there, at their station, is believed to be, like the influence of all honest and enlightened missionaries, conducive to the benefit of mankind, I venture to ask that you will kindly represent the case to your Government, so that ample protection may be afforded.

I improve, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Smith to Viscount das Nogueiras.

BOSTON, September 17, 1884.

DEAR SIR: I have the honor to address you, through the Department of State at Washington, upon a matter of interest to the American Board and the Portuguese Government.

The missionaries of this board five in number, who have been stationed at Bihé, and Bailunda, in Western Africa, have been compelled, for some cause unknown to us, to retire with their families from those regions, and have sought safety in Benguela.

We desire to bespeak for these our brethren and fellow-citizens the effectual protection and kindly courtesies of the Portuguese officials at Benguela so long and so far as they may require them, and we address your excellency in order that you may make the more effectual representations in their behalf to your own Government at Lisbon.

We are happy in the assurance that our friends have met a hospitable welcome in Benguela, and we entertain a cheerful confidence that everything needful to their security and comfort will be promptly done. And we are the more encouraged in this expectation, because of the numerous favors enjoyed by these same gentlemen at Lisbon and in Benguela, when they were on their way out to Africa four years ago. My lamented predecessor, Dr. John O. Means, under date of August 20, 1880, wrote to your excellency referring to a personal interview previously enjoyed, and saying, "You were then pleased to say that when these gentlemen proposing to go to Benguela were ready to sail, if their names were furnished to you, you should be glad to commend them in such a way as might be proper to the courtesies of the Portuguese officials." And under date of October 23, 1880, in view of civilities enjoyed, he had occasion to use the following language in a letter addressed to Mr. R. Inens, lieutenant de vaisseau de la marine royale Portugaise: "It is with great satisfaction that we learn of the very great courtesies and most helpful services rendered by you to Messrs. W. W. Bagster and W. H. Sanders in England and Portugal, on their way to Benguela and Bihé. Be assured, sir, that your hospitable and generous conduct is appreciated."

It is with these pledges and their ample fulfillment in the past before us, that we look with strong expectation for the kindly offices of your Government in behalf of these same gentlemen in the present emergency.

It can scarcely be necessary to call you attention to the fact that these gentlemen from America are engaged in an enterprise which is purely benevolent and philanthropic in its aim, that they are seeking the moral and religious improvement of the natives where they are stationed, and that the natural results of their labors, if successful, will be to enlighten and civilize and refine those peoples, and thus indirectly make them of more value to all the markets of the world as purchasers and consumers.

They are not there to found colonies or raise up dependencies of the United States or to promote any political or commercial interest whatsoever.

You will appreciate the nature and value of their labors, and your Government will see that a great mutual interest is promoted by the protection of men engaged in so humane and generous an enterprise.

Assured that whatever a chivalrous Government can effect in behalf of the subjects of a friendly power, who are so worthy of favor and who are thus cast upon her good offices, will be freely rendered as in the past.

I am, &c.,

JUDSON SMITH.

No. 490.

Viscount das Nogueiras to Mr. Frelinghuysen.

LEGATION OF PORTUGAL,
Washington, October 4, 1884.

MY DEAR MR. FRELINGHUYSEN: I have the pleasure of acknowledging the receipt of your note of the 25th of September last, and of telling you that I am going to represent to my Government the case of the American missionaries that are now at Benguela, and to bespeak for them the services of the Portuguese officials at that point.

I avail, &c.,

VISCOUNT DAS NOGUEIRAS.

No. 491.

Viscount das Nogueiras to Mr. Frelinghuysen.

[Translation.]

LEGATION OF PORTUGAL IN THE UNITED STATES,
Washington, November 17, 1884.

MR. SECRETARY OF STATE: Referring to the expulsion from Bailunda of the five American missionaries with which you acquainted me in the letter which you did me the honor to address to me the 25th of September last, I have just received from the Government of the King, with the order to communicate it to you, the following information:

(1) That the news of the occurrence has already reached the minister of the navy; but that the explanations indispensable to arriving at a definitive judgment of the affair are still wanting.

(2) That the governor of Angola had announced that the governor of Benguela had received instructions to make strict investigation of the facts.

(3) That as soon as the result of these inquiries is known, the Government of His Majesty will make a decision which will show its desire to let no sort of violence whatever go unpunished that may have been exercised in opposition to the habit of toleration and hospitality existing in all the possessions of Portugal.

Accept, &c.,

VISCOUNT DAS NOGUEIRAS.

No. 492.

*Mr. Frelinghuysen to Viscount das Nogueiras.*DEPARTMENT OF STATE,
Washington, November 26, 1884.

VISCOUNT: I have the honor to acknowledge the receipt of your note of the 17th instant, and to thank you sincerely for the friendly action which it reports on behalf of the American missionaries, citizens of the United States, who were recently expelled from Bihé and Bailunda, in Africa.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 493.

*Viscount das Nogueiras to Mr. Bayard.*LEGATION OF PORTUGAL IN THE UNITED STATES,
Washington, March 15, 1885.

MR. SECRETARY OF STATE: I have the honor to call your attention to a matter which concerns both Portuguese commerce and that of the United States.

In the law, Public No. 67, an act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes, section 14, we find:

That in lieu of the tax on tonnage of thirty cents per ton per annum heretofore imposed by law, a duty of three cents per ton, not to exceed in the aggregate fifteen cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the Sandwich Islands, or Newfoundland; and a duty of six cents per ton, not to exceed thirty cents per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign ports: *Provided*, That the President of the United States shall suspend the collection of so much of the duty herein imposed, on vessels entered from any port in the Dominion of Canada, Newfoundland, the Bahama Islands, the Bermuda Islands, the West India Islands, Mexico, and Central America, down to and including Aspinwall and Panama, as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed on American vessels by the Government of the foreign country in which such port is situated, and shall, upon the passage of this act, and from time to time thereafter, as often as it may become necessary by reason of changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply, and the rate or rates of tonnage duty, if any, to be collected under such suspension: *And provided further*, That all vessels which shall have paid the tonnage tax imposed by section forty-two hundred and nineteen of the Revised Statutes for the current year, shall not be liable to the tax herein levied until the expiration of the certificate of last payment of the said tax. And sections forty-two hundred and twenty-three, and forty-two hundred and twenty-four, and so much of section forty-two hundred and nineteen of the Revised Statutes as conflicts with this section are hereby repealed.

According to the letter and spirit of this law, his Excellency ex-President Arthur issued the inclosed proclamation on the 31st of January last. (Doc. No. 1.)

It appears from this document that a duty of 3 cents per ton, not exceeding, in all, the sum of 15 cents per ton per annum, is levied upon

vessels coming to the United States, or going to the ports of certain countries which are therein specified, without regard to the duties that American vessels may pay in the said countries, and with the additional declaration that the President will suspend the collection of such part of this duty as may exceed the tonnage or light-house dues paid by American vessels in the ports of the countries named in the proclamation.

Article XIII of the treaty of August 26, 1840, concluded between Portugal and the United States, says:

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, where it is freely granted to such other nation, or on yielding the same compensation or an equivalent, *quam proxime*, where the grant is conditional.

Notwithstanding the precise nature of the stipulation contained in this article of the treaty, a duty of 6 cents per ton, or 30 cents per annum, is now, and has been, levied ever since the promulgation of that instrument upon vessels coming from or going to the ports of Portugal.

Under these circumstances, and with the view of securing the redress of an injustice and of encouraging commerce between our two countries, I deem it my duty to bring this matter to your notice, and I trust that, after having examined it, you will admit the justice of my complaint, which is confined to requesting that vessels engaged in trading between the ports of Portugal and those of the United States may be allowed to enjoy the benefits granted to those of other countries by the proclamation issued by ex-President Arthur on the 31st of January last.

Accept, &c.,

VISCOUNT DAS NOGUEIRAS.

[Inclosure.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence has been received by me that upon vessels of the United States arriving in ports of the Province of Ontario, in the Dominion of Canada, or arriving at any port in the island of Monserrat, in the West Indies, or at Panama or Aspinwall, United States of Colombia, or at the ports of San Juan and Mayaguez, in the island of Porto Rico, no duty is imposed by the ton as tonnage tax or as light money, and that no other equivalent tax on vessels of the United States is imposed at said ports by the Governments to which said ports are immediately subject; and whereas by the provisions of section fourteen, of an act approved June 26, 1884, "to remove certain burdens on the American merchant marine, and encourage the American foreign carrying trade, and for other purposes," the President of the United States is authorized to suspend the collection in ports of the United States from vessels arriving from any port in the Dominion of Canada, Newfoundland, the Bahama Islands, the Bermuda Islands, the West India Islands, Mexico, and Central America, down to and including Aspinwall and Panama, of so much of the duty at the rate of 3 cents per ton as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes imposed on American vessels by the Government of the foreign country in which such port is situated:

Now, therefore, I, Chester A. Arthur, President of the United States of America, by virtue of the authority vested in me by the act and section hereinbefore mentioned, do hereby declare and proclaim that on and after the first Tuesday in February, 1885, the collection of said tonnage duty of 3 cents per ton shall be suspended as regards all vessels arriving in any port of the United States from any port in the province of Ontario, in the Dominion of Canada, or from a port in the island of Monserrat, in the

West Indies, or from the ports of Panama and Aspinwall or the ports of San Juan and Mayaguez, in the island of Porto Rico.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 31st day of January, 1885, and of the Independence of the United States of America the one hundred and ninth.

[SEAL.]

CHESTER A. ARTHUR.

By the President:

FRED'K T. FRELINGHUYSEN,
Secretary of State.

No. 494.

Mr. Bayard to Viscount das Nogueiras.

DEPARTMENT OF STATE,
Washington, May 21, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 15th March last, in which you convey a request that vessels trading between the ports of Portugal and those of the United States may enjoy the benefits granted to those of other countries by virtue of the proclamation of the President of January 31 last.

The request is made upon the supposition that the privileges granted to certain vessels under the joint operation of the 14th section of an act "to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade and for other purposes," approved June 26, 1884, and the said proclamation of the President, inure to the advantage of Portuguese vessels by virtue of Article XIII of the treaty of the United States with Portugal of August 26, 1840.

The article of the treaty reads:

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the same compensation or an equivalent *quam proxime* where the grant is conditional.

(In this connection I beg to append for convenient reference a copy of section 14 of the act of June 26, 1884, and a copy of the proclamation of January 31, 1885.)

The Secretary of the Treasury, having been asked for an expression of his views as to the character of the conditional concession granted by the 14th section of the said shipping act, observes that the concession is an exemption from tonnage tax allowed all vessels arriving in the United States from ports situated in the localities named in that section, equal to the amount by which the tax of 3 cents per ton—levied on vessels in ports of the United States—exceeds the amount collected from vessels of the United States for tonnage tax, light-house dues, or equivalent taxes in ports within the localities mentioned. The proclamation specifies the ports within those localities whence vessels sailing to ports of the United States, upon arrival, get the benefit of an entire exemption from the tax of 3 cents per ton. The reason for the complete exemption is that *no* tax per ton, nor light-dues, nor any equivalent taxes, are exacted from American vessels in those ports.

In order to an allowance of *entire* exemption from tonnage tax to vessels arriving from ports in these localities it is necessary that the Government of the foreign country within whose domain a particular port is situated should not impose at that port a similar tax or light-dues

on American vessels. But if the foreign Government does not impose such a tax at a port within the localities named, then the exemption inures to the benefit of *all* vessels arriving in ports of the United States from any such port that does not impose such taxes.

The fourteenth section of the shipping act, the Secretary of the Treasury observes—

Concedes a privilege to vessels of Mexico and Central America, which is at once *national* and geographical—contingent upon similar concessions from those Governments. This privilege is an exemption from tonnage tax on all direct voyages between *national* ports and ports of the United States. It seems to me, therefore, that under the stipulations of Article XIII of the treaty with Portugal of 1840, a similar contingent privilege is granted by the shipping act to vessels of Portugal sailing from their national ports directly for ports in this country; but *not* to Portuguese vessels arriving in our ports from ports of departure that do not under the shipping act invest vessels sailing from them with a right to exemption. Moreover, the conditional concessions of the statute would *not* extend to any other vessels than those of Portugal and the United States sailing on direct voyages between Portugal and this country; nor, if an exemption for Portuguese vessels can be claimed under the joint operation of the shipping act and Article XIII of her treaty of 1840, could such vessels claim a greater exemption than for 3 cents per ton, which is the maximum amount of the exemption that could on any conditions be allowed vessels of Mexico or the Central American States.

This Department sees no reason for differing from the above views. The question remains, "Whether Portugal does exempt vessels of the United States in her ports from such a payment of tonnage tax, light-house dues, or equivalent taxes as would exempt her vessels in our ports from the whole or a part of the tax of 3 cents per ton."

Accept, &c.,

T. F. BAYARD.

No. 495.

Mr. Bayard to Viscount das Nogueiras.

DEPARTMENT OF STATE,
Washington, November 7, 1885.

VISCOUNT: I have had the honor to recur to the question presented in your note of the 15th March last, to which my note of May 21 made response by communicating to you the views of the Treasury Department touching the application of the provisions of the fourteenth section of the shipping act approved June 26, 1884, to vessels of Portugal coming from ports of that country directly to ports of the United States under the most favored nation clause of the existing treaty of 1840.

You will recall the opinion of the Secretary of the Treasury, as quoted by me, to the effect that while the stipulations of Article XIII of the treaty with Portugal would seem to involve the granting, by the shipping act, of similar contingent privilege to vessels of Portugal sailing from their national ports directly for ports of the United States, this privilege is not granted "to Portuguese vessels arriving in our ports from ports of departure that do not, under the shipping act, invest vessels sailing from them with a right to exemption."

The importance of the questions involved in the claim of the Portuguese Government, and in like claims subsequently preferred by other Governments, has led to the submission of the entire subject to the judgment of the Attorney-General, to the end that a precise and uniform response should be made in each case.

The conclusions of the Department of Justice, after a careful examination of the premises, are, that—

The discrimination as to tonnage duty in favor of vessels sailing from the regions mentioned in the act and entered in our ports is, I think, purely geographical in character, inuring to the advantage of *any* vessel of *any* power that may choose to fetch and carry between this country and any port embraced by the fourteenth section of the act. I see no warrant, therefore, to claim that there is anything in "the most favored nation" clause of the treaty between this country and the powers mentioned that entitles them to have the privileges of the fourteenth section extended to their vessels sailing to this country from ports outside the limitation of the act.

These conclusions are accepted by the President, and I have accordingly the honor to communicate them to you as fully covering the points presented in your note of 15th March last.

Accept, &c.,

T. F. BAYARD.

RUSSIA.

No. 496.

Mr. Frelinghuysen to Mr. Taft.

No. 7.]

DEPARTMENT OF STATE,
Washington, December 18, 1884.

SIR: The Hon. S. S. Cox, M. C., has addressed the Department on the subject of a report that the Russian minister of the interior has ordered the expulsion from Odessa and other cities of all Hebrews holding foreign passports unless also holding "permits of residence."

So far as any of these persons are citizens of the United States, I have to ask that you will communicate to the foreign office the desire of the President that law-abiding American Hebrews, on due exhibition of such passports, may receive the adequate permits of residence referred to. Should it prove that no such order has been made, you will telegraph, and in case the order has been issued you will report as promptly as convenient the approximate number of American citizens in the various cities where it is operative affected by it, that I may apprise Mr. Cox of the facts.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 497.

Mr. Taft to Mr. Frelinghuysen.

No. 26.]

LEGATION OF THE UNITED STATES,
St. Petersburg, January 17, 1885. (Received February 6.)

SIR: On the receipt of your dispatch No. 7, dated December 18, 1884, relating to the reported order of the minister of the interior of this Government, requiring foreign Hebrews to have a "permit of residence" as well as a passport, in order to reside in Odessa and certain other cities in Russia, I immediately addressed a letter to the foreign office, containing specific inquiries on all the points covered by the dispatch, and communicated the desire of the President that "permits of residence" be granted

to law-abiding American Hebrews. I have also personally called on the secretary of foreign affairs, and on the secretary of the interior, and have likewise made inquiry of ambassadors of countries which have Jewish citizens residing in Russia. There is undoubtedly such an order as you describe in force, but it is not limited to Jews. No foreigner is allowed to reside in Russia without a "permit of residence," as well as a passport. The difficulty is that the Government, in granting permits and licenses, discriminates against foreign Jews, according to certain laws in force in Odessa and other cities, and declines generally to grant permits of residence to them unless they are merchants of the first guild, paying annually 800 rubles each for a license. This is undoubtedly a different rule from that adopted by the Government for other foreigners, or for native Jewish citizens, and I have so presented the case to the secretary of foreign affairs. But it is claimed by this Government that while according to Article I of the treaty of 1832 American citizens "enjoy the same security and protection as do the inhabitants of the country in which they reside, it is upon the condition that they submit to the laws and ordinances established there, and particularly to the rules of commerce in force," and "that as a matter of fact Israelites are subjected to a particular régime in Russia, regulated by laws and ordinances, and rules for commerce, industry, and the police," and "further, that this régime, referring to all foreign Israelites without national distinction, cannot be considered in the case of one individual Hebrew to whom it applies as any violation of the treaty of December 18, 1832."

It is pretty clear that this Government adheres strongly to the opinion that it is essential to the interest of the Empire to restrict by law the residence of foreign Jews in the cities of the Empire.

I find that Germany has many more cases of the kind than we have, and England also has Hebrew citizens residing in Russia, though not so many as Germany. Both Germany and England have conventions with Russia similar to that existing between the United States and Russia. Indeed, I think the articles are identical. I understand that the German Government does not dispute the right of the Russian to adopt these laws in the regulation of its internal affairs, notwithstanding the convention.

Although the principle has been questioned by the English Government, the regulations of the Russian Government on the subject have been submitted to without any disturbance of friendly relations.

As to the number of American Hebrews residing in the cities of Russia, accurate information is difficult to obtain, if it be at all practicable. I have requested the foreign office to give me such information on the subject as may be practicable, and I shall make such other inquiries as I can; but from the best information I have been able to obtain, my belief is that American Hebrews in Russia are very few. There is an evident belief on the part of the Russian Government that most of the Jews who have gone to America obtained letters of naturalization, and returned to Russia for business are speculating on their naturalization papers to evade their military duty to the Russian Government.

I write this statement without waiting for a specific written answer to my before-mentioned communication to the foreign office on the subject of your dispatch No. 7, as it may be some time before the answer will be received, and I believe that I am able to give a correct idea of the position of this Government on the subject from the verbal communications I have exchanged with the secretary of foreign affairs and from other sources.

I have, &c.,

ALPHONZO TAFT.

No. 498.

Mr. Taft to Mr. Bayard.

No. 30.]

LEGATION OF THE UNITED STATES,
St. Petersburg, March 18, 1885. (Received April 6.)

SIR: Referring to instruction No. 7 from the Department of State to this legation and to my answer in part thereto, numbered 26, I have now the honor to send the answer of this Government to my application, made in pursuance of said first-named dispatch, with a translation thereof.

I am, &c.,

ALPHONZO TAFT.

[Inclosure in No. 30.]

*Mr. Vlangaly to Mr. Taft.*IMPERIAL MINISTRY OF FOREIGN AFFAIRS,
DEPARTMENT OF INTERNAL RELATIONS,
St. Petersburg, March 5 (17), 1884.

MR. MINISTER: Your note of December 22, 1884 (January 3, 1885), with which you favored the imperial ministry, had for object to obtain information on the point whether the Imperial Government had issued an order by which all foreign Israelites were expelled from the city of Odessa and other localities in the Empire. You at the same time expressed in the name of your Government the desire that permits of residence might be given to all Jewish citizens of the United States of America.

I have to-day the honor to inform you, on a communication from the ministry of the interior, that no such action has been taken by the Imperial Government.

In regard to furnishing the Jewish citizens of America with Russian permits of residence, the minister of the interior observes that he cannot comply with this request, as according to the regulations established on this subject every foreigner having his national passport in due order is obliged, on his own application, to be furnished by the competent Russian authority with a permit of residence.

The law at the same time grants to foreigners the right to bring complaint for any irregularity that may take place in this respect.

I have also to add that the Imperial Government is unable to supply the legation of the United States with statistics concerning the number of the Jewish American citizens residing in Russia.

Receive, &c.,

A. VLANGALY.

No. 499.

Mr. Bayard to Mr. Taft.

No. 15.]

DEPARTMENT OF STATE,
Washington, March 30, 1885.

SIR: I inclose a copy of the sundry civil act, approved March 3, 1885, and, calling your attention to the marked clause thereof, "to enable the President to bestow testimonials as recommended in his message, &c., upon those officers and subjects of the Russian Government who extended aid to the survivors of the Jeannette Arctic exploring expedition, &c.," have to say that I have addressed the Secretary of the Navy in the matter, with the hope that early action may be taken to place the Russian benefactors of the survivors of that expedition in possession of the testimonials which this Government will provide. Any action

on the part of your legation which may facilitate the delivery of these articles when brought to Russia by the agent of the United States, appointed or detailed for that purpose, will be appreciated.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 15.—Extract.]

SUNDRY CIVIL ACT, APPROVED MARCH 3, 1885.

* * * * *

To enable the President to bestow testimonials, as recommended in his message of January 27, 1885, upon those officers and subjects of the Russian Government who extended aid and comfort to the survivors of the Jeannette Arctic exploring expedition and assistance to the parties dispatched by the Government of the United States to relieve and succor the said survivors, and to convey to the Government and people of Russia an expression of the high appreciation in which the Government and people of the United States hold the humane services so rendered, the sum of \$8,000, or so much thereof as may be necessary, the same to be immediately available.

No. 500.

Mr. Bayard to Mr. Taft.

No. 21.]

DEPARTMENT OF STATE,
Washington, May 25, 1885.

SIR: I inclose a copy of a letter from Hon. Felix Campbell, M. C., and of the statement of Mr. Israel Müller, which he transmits touching his arrest recently in Russia.

Mr. Müller, who is an American citizen, was professedly arrested because he had abandoned Russian allegiance without permission, a penal offense, you are aware, under Russian law.

It is probable, also, that he is a Jew, and his case may have been affected by that circumstance, and in this connection you are referred to previous correspondence in cases of that class, on the files of the legation.

I conclude that the matter was not brought at the time to the notice of the legation. Please report in this regard, and state your conclusions as to whether any way is open to obtain redress in this case, or to prevent the recurrence of such cases.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 21.]

Mr. Campbell to Mr. Bayard.

NEW YORK, May 18, 1885.

SIR: I beg leave to ask your careful consideration of the inclosed narrative of Israel Müller, in whose case I feel deeply interested.

Will you please let me know at your convenience what steps you may decide upon taking in this matter and oblige,

Yours, &c.,

FELIX CAMPBELL, M. C.

[Inclosure 1 in inclosure in No. 21.]

Mr. Müller to Mr. Bayard.

BROOKLYN, N. Y., May 2, 1885.

SIR: I inclose a sworn narrative of the indignity and outrage put upon me by the Russian Government on a recent visit to Russia armed with a passport of the United States. I ask you respectfully to take such action in the premises as you shall deem proper.

Any further information desired I will cheerfully furnish if required.

Yours, &c.,

I. MÜLLER.

[Inclosure 2 in inclosure in No. 21.]

Affidavit of Israel Müller.

STATE OF NEW YORK,

City of Brooklyn, County of Kings, ss:

Israel Müller, of the said city of Brooklyn, being duly sworn, says: I now reside at No. 440 Fifth avenue, in the city of Brooklyn, county of Kings and State of New York. I am a citizen of the United States, and was naturalized in the city of Brooklyn aforesaid on the 4th day of November, 1865, as will appear by the certificate thereof annexed hereto. I am the Israel Müller therein named and described. I was born in Pabianicie in the state of Prerkoff, in the Empire of Russia, on the 30th day of November, 1831. I emigrated from Russia, and came to reside in the United States, in the city of Brooklyn aforesaid, and arrived at the city of New York on October 22, 1859. I have since that time continuously to the present time been a resident of the said city of Brooklyn. A short time prior to January 8, 1885, I had determined on again visiting my native land, and had, with a view thereto, applied for and obtained a passport under the hand and seal of the Secretary of State of the United States, dated on or about the said 8th day of January, 1885. Having the same in my possession, I embarked at New York City for Antwerp upon the steamship *Westernland* on the 24th day of January, 1885. I arrived at Antwerp in eleven days, going thence from Antwerp to Cologne, which I reached on the following day; thence to Berlin and to Pabianicie, in Russia, aforesaid, in two days. I there remained at my father's house. My father's home is at Pabianicie, and his name is Isaac Müller.

On or about the 7th day of February, 1885, at said Pabianicie, at about 7 o'clock in the evening, I was summoned to appear at the office of the mayor of Pabianicie, aforesaid, by an officer of police, with a warrant for my arrest. Having reached the mayor's office I demanded of the mayor upon what charge I was arrested. Turning to a book, the mayor asked me if I were Israel Müller, born at Pabianicie. I replied that I was. He asked me if I had renounced my allegiance to Russia, and taken allegiance to any other power. I replied that I had. He then directed an officer to detain me over night at the city hall at said place. Remonstrating, I said that I was an American citizen, produced my passport, and demanded the cause of my arrest again. The mayor replied: "It is because you are an American citizen that you are arrested." He refused to return my passport, nor have I ever recovered the same. I was conducted to a room in said city hall and kept confined as a prisoner for nineteen hours. On the following day I was taken to the county seat, a place called "Lask," before Judge Niekenstiek. The same charge was made, but my remonstrances were without avail. I had offered bail for my appearance at Pabianicie, but it was refused. At Lask, in consideration of the payment of 300 rubles, I was permitted to furnish bail, my brothers-in-law going upon my bond. Returning to Pabianicie I was at once taken sick from shock, excitement and from rheumatism and pneumonia, contracted during my confinement. I was attended daily by a physician, and was subjected to police surveillance and inspection. I made repeated requests to see the American consul, but was refused. At the end of four weeks I had recovered, and effected my escape from Russia by way of Germany. The manner of my escape and the persons who aided me in making it I do not desire to disclose, except that it may be necessary for the Department of State, as the publication would involve those persons in trouble, arrest, and prosecution. I returned to the United States on the 9th day of April, 1885. I was charged with no crime or misconduct while in Russia, and during the whole time of arrest and imprisonment I constantly protested that I had committed no crime or done no wrong.

I. MÜLLER.

Sworn to before me this 1st day of May, 1885.

JOHN DETMAR,
Notary Public, Kings County.

[Inclosure 3 in inclosure in No. 21.]

County court, Kings County.

CERTIFICATE OF NATURALIZATION, UNITED STATES OF AMERICA.

STATE OF NEW YORK,
County of Kings, ss :

Be it remembered, that at a term of the county court of Kings County, held in and for the county of Kings, at the court-house in the city of Brooklyn, on the 4th day of November, in the year of our Lord one thousand eight hundred and sixty-five, Israel Müller, residing within the city of Brooklyn, in said county, appeared in his own proper person, in the county court aforesaid (said court being a court of record, having common-law jurisdiction and a seal and clerk), and applied to the said court to be admitted to become a citizen of the United States of America, pursuant to the provisions of the statutes of the United States of America, and the said applicant having thereupon produced to the court such evidence, made such declaration and renunciation, and taken such oath as is by said statutes required, and the court being satisfied that the said applicant was a proper person to be admitted to citizenship, it was ordered by the said court that the said applicant be admitted, and he was accordingly admitted by the said court to be a citizen of the United States of America.

In testimony whereof, the seal of the said court is hereunto affixed this 6th day of December, 1884, in the one hundred and ninth year of the Independence of the United States of America.

[SEAL.]

RODNEY SHURSLEY, *Clerk.*

No. 501.

Mr. Wurts to Mr. Bayard.

[Extract.]

No. 46.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 28, 1885. (Received June 17.)

SIR: The ceremony of the official opening of the St. Petersburg and Cronstadt Canal took place yesterday, the 15th (27th) of May, which was the second anniversary of the coronation of the Emperor Alexander III. It was witnessed by their Majesties, all the members of the Imperial family, the diplomatic corps, and a large number of court and state functionaries. No fewer than 130 vessels took part in the proceedings, which occupied the whole day. The event has been looked forward to with great interest by the commercial world, not only of St. Petersburg, but by that of all Russia transacting business directly through the Baltic Sea, for the whole commercial future of the Russian ports on the Baltic and the Gulf of Finland will be affected by the change now to take place since St. Petersburg has become a seaport.

St. Petersburg was founded in 1703, and it was a leading idea with Peter the Great that it was to be a seaport; but Cronstadt has been the real port all this time. No vessel drawing over 9 or 10 feet of water could float over the bar of the south of the Neva and reach the capital. All vessels requiring a greater depth of water had to deliver their cargoes at Cronstadt. The goods were there put into barges, which were either poled or tugged to St. Petersburg. Commercial operations were thus carried on at a great disadvantage. This can be well understood by the statement that goods can be sent here from England by steamer in about a week, but their transshipment at Cronstadt with the short but slow passage to St. Petersburg, the delivery there—no proper harbor existing—with the formalities of a highly-developed custom-house system, usually occupied as much as three weeks, at times even

more. Often the barges got aground, or sunk with their freight. This condition of things made contracts difficult, and the commercial prosperity of the capital has in consequence been retarded. Now, sea-going vessels of almost any size will be able to come direct to St. Petersburg by the new canal, at the end of which docks have been built and connected with the railways. Cronstadt is to remain exclusively for the naval marine, but nothing is yet known as to the time of the compulsory closing of its port, and it is not likely to take place this year.

The canal just opened has, therefore, carried out the design contemplated by Peter the Great for the capital of the Empire. That Peter intended to make a canal there is evidenced in the fact that he commenced one, which was to start from Oranienbaum, on the south coast opposite Cronstadt, to the mouth of the Fontanka Canal at St. Petersburg, the remains of the works begun being still visible between the villages of Strelna and St. Sergius. Peter's death put a stop to this scheme.

It was in 1872 that Count Bobrinsky, then minister of ways and communications, issued a report on the subject of the canal, and a commission was appointed under the presidency of Engineer Kerbeds to study the question. Two projects were formed; one was produced under the triple authorship of Cotard, Champoulion, and Janisky, and the other by Mr. Pontiloff. The latter was finally adopted in 1874. The works were commenced only three years later, as the dredging and other machinery had to be brought from France and England.

The whole length of the canal is about 17 miles. It starts from the island of Goutonieff, on the southern side of Neva, where the river enters the Gulf of Finland, and it extends westerly along the southern side of the gulf, terminating at Cronstadt. The canal, after leaving the islands of Goutonieff and Volnoy, and the low, marshy ground known as the Isle des Cannoniers, passes all the rest of the way, nearly the whole of its length, through the waters of the gulf. On this account, instead of calling it a canal, the work might be described as the making of a channel through a shallow portion of the sea.

At the east end a few miles of it had to be embanked to prevent the deposit of sand and mud which produces the bar at the mouth of the Neva. The longer portion on the west, which is not liable to this deposit, is simply a channel which has been dredged out, and its course will be indicated by buoys.

A large dock has been formed at Goutonieff, with which the railways have been connected. There is ample space for the construction of other docks. It is also intended to widen one of the existing canals, or to make a new one on the southern side of St. Petersburg, so that vessels can communicate with the Neva above the city, thus avoiding the numerous bridges of the town.

By the Neva, Schlusselfurg, on Lake Ladoga, is reached, where the vast canal system of Russia begins. This system was another of Peter the Great's far-seeing schemes in relation to his new capital, by which the city was to be connected with the Volga and other great rivers, thus forming a water road from the Baltic to the Caspian.

According to the original plan, the canal just opened was to have a depth of 20 feet, but this was increased to 22 feet. The contract for the dredging was made with an American firm, Morris & Cumming, of New York. Unfortunately for them the soil was not well adapted for their mode of dredging, and their contract had to be abandoned. The eastern portion of the canal towards St. Petersburg has been by far the most important part of the work, as it had to be protected by large and

strong embankments on both sides. These were formed by the output of the dredges, and are faced with granite boulders from Finland. At the western extremity the work is of a more durable kind, and large square blocks of granite have been employed, so that now the heavy surf which at times is raised by the westerly wind in the gulf may be resisted.

The sea channel, that is, the western portion of the canal, is 350 feet wide. This is the width at the bottom, the whole of which is 22 feet deep. Between the embankments it is 700 feet, and of this 280 feet will be the full depth of 22 feet. This is more than twice the dimensions of the Suez Canal, which is 100 meters or 320 feet wide on the surface, but it has only 72 feet of the full depth at the bottom. The Amsterdam Canal intends to have 100 feet of the full depth. The depth of this last is to be 24 feet; that of the Suez Canal is 26 feet. In these details they exceed the St. Petersburg Canal, but should the larger class of vessels ever venture into the eastern end of the Baltic, the great width of the canal will admit easily of a further deepening to meet the requirements of heavier ships.

The works on the canal have been carried out under the direction of a committee presided over by Mr. N. Sarloff. The resident engineer was Mr. M. Fofiesky. Councilor Pontiloff, the originator of the scheme for the canal which was adopted, died while the works were in progress. In October, 1883, the new dock was finished, and the ceremony of letting the waters of the canal into it was performed in the presence of the Emperor.

The total cost of the work is something short of \$12,000,000.

The Russian journal, *New Times*, writing of the inauguration of the canal, points out—

Its utility for the commerce of Russia in general, and for the development of the commercial activity of St. Petersburg in particular. As an idea, the maritime canal and port of St. Petersburg represent a grandiose enterprise and a promise of a brilliant future. It was to create a place for the immediate exchange of the internal trade of Russia with that from abroad. On one hand, St. Petersburg was to serve as the port of importation of Moscow, which absorbs half of the foreign merchandise imported into the Empire, and on the other it was to facilitate the exportation of home products.

Of all the Baltic ports, St. Petersburg is the nearest to Moscow. Revel is 300 versts farther; Riga 370, and Liban nearly 600 versts. The cost of transportation from abroad to one of these ports being about the same, it was evident that economy in the railway transportation to Moscow could be effected by taking the St. Petersburg route. For the exportation of grain the maritime canal, in diminishing the cost of transport and of unloading, has great importance at present, when the rivalry with America and India is specially felt on all the European markets. The absence of a maritime canal and of a port at St. Petersburg necessitated a series of supplementary expenses, both for the transshipment of foreign merchandise coming into Russia, and of the national products going out of the country. Therefore, no sooner had Moscow become connected by railway with Revel, Riga, and Liban, than the commerce of St. Petersburg commence to decline.

In order to avoid the annoyance of transshipment at Cronstadt, foreign merchants preferred to send their goods to Moscow by way of these ports, finding it more to their advantage, even with the additional 300 to 600 versts of railway travel.

In 1861 the total exportation of Russia amounted to 159,000,000 of rubles. St. Petersburg figured in this sum for 42,000,000, equal to 26 per cent. For the same year the importations amounted to 142,000,000, and of this sum 85,000,000 passed through St. Petersburg, equal to 60 per cent.

Twenty years later, the population of this city having increased one and a half times, and the consumption of goods in proportion, the merchandise exported from St. Petersburg reached only the figure of 23,000,000 of rubles, while that imported remained stationary at 85,000,000, with this difference, that compared with the total importation into Russia this figure no longer represented 60 per cent. but only 15 per cent. of that amount. In other words, during this period the imports became four times less and the exports five times less.

It was at this moment, when the decrease in the commerce of St. Petersburg became felt, that Mr. Pontiloff, well known for his energy, conceived the idea of the remedy for the evil. He bought up all the vacant land bordering on the projected port, in the hope of a rise in its value. Unfortunately he failed before having been able to accomplish anything for the canal. At the same time, the justice must be done to him to say that the plan left by him, which was to be used for the realization of his scheme, showed a very broad view and great knowledge of the matter.

Later this plan was modified and the work has been pursued on a much smaller scale. Nevertheless, the enterprise is said to have cost the state 20,000,000 rubles.

It is permitted [concludes the New Times] to think that the precarious state of the commerce of St. Petersburg is an abnormal fact; it depends not on the situation of our capital as a sea-port, but on the bad organization of its commerce. In order to ameliorate this condition of things, one could, among others, have recourse to the railways, especially in regulating their tariffs.

I have, &c.,

GEORGE W. WURTS.

No. 502.

Mr. Wurts to Mr. Bayard.

[Extract.]

No. 51.]

LEGATION OF THE UNITED STATES,
St. Petersburg, June 14, 1885. (Received July 6.)

SIR: I have the honor to acknowledge the receipt of your instruction No. 21, of May 25, 1885, on the subject of the arrest in Russia of Mr. Israel Müller.

This is the first intelligence of the matter communicated to this legation. As stated by the instruction, it is a penal offense to leave Russian territory without permission of the Emperor. Mr. Müller having thus transgressed was liable to punishment, and the fact of his being a Jew would doubtless not have the effect of making the authorities lenient towards him.

Any Russian going abroad without permission would be liable to punishment on his return home, whether his military duties had been performed or not. Still more severely would he be dealt with if his emigration bore the character of evasion of conscription, and the fact of his becoming a subject or citizen of another state would be ignored in treatment of him, and therefore be inefficient to protect him. The Russian Government has never shown the least disposition to swerve from this principle, and there is no reason to believe that it may be moved to do so by any argument that our Government is able to put forth. It is strongly opposed, on the contrary, to encourage anything that could be interpreted as a mitigation of its laws of conscription or of those on emigration. On this latter point the note of the foreign office, a translation of which accompanied my No. 49, of the 2d instant, on the subject of measures to prevent the immigration into the United States of paupers, indicates the unwillingness of this Government to take any action which might lead to the belief that it does not still forbid emigration.

A number of cases in many respects similar to that of Mr. Müller have occurred in this country. I will mention only three which have arisen since my connection with this legation.

(1) That of Reinhardt Wagner, in 1883, which was fully reported to the Department and printed, considerable attention having been attracted to it by the report that Wagner was languishing in exile in Si-

beria. As, however, he was at that moment safe in America, the affair came to an end.

(2) That of Mr. A. V. Perrin, alias Pravin, who, in 1878, requested this legation to obtain permission for his return to Russia for a few months. He, at the same time, asked what would be the penalty if he came without permission. Mr. Stoughton, then minister, replied that if he came with a United States passport and confined himself to legitimate business he would not be disturbed, provided he did not owe military service; that if he owed such service he might be arrested; in case of arrest, under these circumstances, the Russian Government generally, at the request of the United States minister, releases the party under conditions, "but this is regarded as a concession from courtesy and not of right." Mr. Perrin deemed it prudent to remain out of the Empire, and the matter dropped until 1882, when he applied again to this legation, then under Mr. Hunt, who advised him not to return, and under date of September 13, 1882, wrote him that his case had been carefully considered by his predecessors, who had done all in their power for him; that their action had been reported to the State Department, and approved by it, and that under these circumstances he could do nothing for him.

On the 2d of October following, Mr. Hunt writes again, in answer to persistent letters from Mr. Perrin, that he finds the records of the legation so loaded down with letters concerning his case, that it has consumed much of his time to read and master them; and he again refuses to recommend his return to Russia with any assurance that he will not be molested. He will, however, refer the matter once more to the Department of State. Mr. Frelinghuysen, upon this, instructs Mr. Hunt "to abstain from any further action in the case. It is regarded as taken out of the Department's control by the admission of Mr. Perrin that he is a Russian Jew owing military service." One would suppose that this would end the matter, but on the appointment of Mr. Taft as minister to Russia last summer, Perrin inundated this legation with communications asking it to obtain permission to return, as if his request had never been made before, and apparently on the supposition that a new minister would know nothing of his case, and, perhaps, apply on his behalf. Another long correspondence followed. Mr. Taft, having made himself familiar with the merits of the case, felt reluctant to take any step for Perrin's return, but, in the hope that the Russian Government might be indulgent in the matter, he asked for permission for Mr. Perrin to pass six weeks in the Empire. The reply from the ministry of foreign affairs was to the effect that there were no obstacles in the way of Perrin's return, but added that it could not guarantee him impunity if his identity with the Jew Pravin, who owed military service, should be established. Since the communication of this note of the foreign office to Mr. Perrin, alias Pravin, he has not been heard from.

* * * * *

(3) The third case is that of a Dr. J. Mordaunt Sigismund. Last July Mr. Lowell asked me to apply for the return of a passport issued by the London legation in 1880 to Dr. Sigismund, which had been taken from him on his arrest in Poland in the same year. Dr. Sigismund transmitted me a long statement of his case, by which it appears that he was arrested on the denunciation of a personal enemy, and charged with emigration and evasion of military duty, but he was able to escape over the frontier; his passport, however, was left in the hands of the Russian police. He wished to obtain it again, as Mr. Lowell declined to issue another until it was produced. The Russian Government promptly

granted the request and returned me Dr. Sigismund's passport, with the remark only that it had been left by Dr. Sigismund himself with the police at Chenstochovo, in Poland; no reference was made as to his arrest or to the affair in any way.

I believe it was the intention of Dr. Sigismund to come to Russia with his new passport, but we have had no information of his having done so.

In these cases and in others of former years, needless to cite, the Russian Government has shown its intention to assert its power to make its laws respected within its jurisdiction, and it refuses to admit the right of a foreign State to exempt by naturalization its subjects from their unfulfilled prior duties to the land of their birth. The fact of birth in Russia of parents at that time Russian subjects entails upon it duties from which the Government considers itself alone competent to grant absolution. Emigration without permission is regarded as equivalent to desertion, even though the emigrant may be an irresponsible infant, and on the return of such emigrant he is liable to arrest and punishment.

This Government has, in certain cases, conceded the release of the parties arrested, but this has been done, in the words of Mr. Stoughton, "by courtesy, not by right," and in order to avoid discussion liable to affect the friendly relations with the Government of the United States.

It is not likely that the Government of Russia will ever consent to do more than this, release by courtesy, and then only under peculiarly favorable circumstances, in regard to persons of Russian birth, considered by it as still owing military duty, or as having disobeyed the laws of the Empire on emigration, and arrested on their return within its dominions.

It is difficult to see the way to obtain any redress for the injury to persons thus arrested, or to bring about the recognition of the principle maintained by our Government, as that of Russia repels all advances on our part to regulate the question by means of a treaty of naturalization, towards which overtures were made in April, 1884, by a formal note from this legation in obedience to an instruction from the Department. To this note no written reply has yet been vouchsafed by the Russian foreign office; but verbally it has been given to us to understand that the Imperial Government cannot accept our views of the act of naturalization as a citizen of the United States being sufficient to protect a subject of the Czar from punishment for offenses against the laws of the Empire committed before his emigration.

I have, &c.,

GEORGE W. WURTS.

No. 503.

Mr. Bayard to Mr. Lothrop.

No. 4.]

DEPARTMENT OF STATE,
Washington, June 30, 1885.

SIR: Referring to instruction No. 15 of March 30 last, and to the act of Congress therewith inclosed, I have to say that Lieut. William H. Schuetze, United States Navy, has been detailed by the honorable Secretary of the Navy to transport to Russia and to supervise the distribution of the testimonials provided by this Government for the Russian

benefactors of the survivors of the ill-fated Jeannette exploring expedition, and will sail about the 8th proximo.

You will please notify the Russian Government of Lieutenant Schuetze's contemplated early arrival, and apply for the extension of the usual courtesies on that occasion, and the free entry of his personal effects and the medals and other testimonials which he brings with him.

You will, of course, do all in your power to facilitate the full accomplishment of the purpose of Congress, and towards giving proper expression to the message of gratitude and good-will of which Lieutenant Schuetze is the bearer, in the name of the President.

I am, &c.,

T. F. BAYARD.

No. 504.

Mr. Bayard to Lieut. William H. Schuetze, U. S. N.

[Extract.]

DEPARTMENT OF STATE,
Washington, July 3, 1885.

SIR: The President of the United States, in accordance with the suggestions of the Secretary of the Navy, recommended Congress, by a special message of January 27, 1885, to authorize him to bestow testimonials upon those officers and subjects of the Russian Government who extended aid and comfort to the survivors of the Jeannette Arctic exploring expedition and assistance to the parties dispatched by the United States Government to relieve and succor the said survivors, and to convey to the Government and people of Russia an expression of the high appreciation in which the Government and people of the United States hold the humane services so rendered.

In accordance with this advice, Congress, on the 3d March last, voted a sum of money for the above purpose, and this Department, on the 6th April, requested the Secretary of the Navy to detail a competent officer to take charge of the presents to be sent to Russia, and to personally deliver them, with the thanks of the President and people of the United States, to the officials and citizens in question.

In compliance with this request, the Secretary of the Navy has designated you to have charge of the purchase of the articles which this Government proposes to send to the benefactors of the survivors of the ill-starred Jeannette expedition, and to convey the same to Siberia for distribution, and to report to this Department for orders.

You are, therefore, hereby instructed to proceed without undue delay, and by the most expeditious and available route, to Russian Siberia, and deliver to the governor of Yakutsk the letter of this Department addressed to him (and the accompanying sword) and to the other officials in Yakutsk, Irkutsk, Tomsk, and Omsk, the letters, watches, medals, and presents, as described in the list which accompanies this instruction; and at the same time to express to all the recipients, in the most fitting terms, the thanks and appreciation of the President, the Secretary of the Navy, and the people of the United States, for the noble and humane manner in which they directly and materially aided the survivors of the Jeannette and the parties sent out to search for them.

You will receive a letter of credit on the bankers of the United States at London for the payment of the amounts in the annexed list (aggre-

gating, with cost of stores, \$2,600), and for your expenses, in respect of which you will duly account to this Department on your return.

I have instructed our minister at St. Petersburg to render you all necessary assistance in his power, and to ask for the free entry of your personal effects and of the testimonials, &c., which you convey, and the extension of proper courtesies to you on your arrival. You will report the details of your mission to this Department on your return, and keep me informed by the ordinary channels of your progress at such periods as may seem to you convenient and desirable. * * *

Transmitting herewith the letters to Russian officials named in the accompanying list and copies thereof, and wishing you an agreeable and successful journey,

I am, &c.,

T. F. BAYARD.

[Inclosure.]

List of letters to—

- (1) His high excellency Governor-General Lieutenant-General Dmitri Gavrilovitch Annchin (Irkutsk).
- (2) His high excellency Governor-General Lieutenant-General Guerassin Alexeievitch Kalpokoffsky (Omsk).
- (3) His excellency Governor Major-General Serge Ivanovitch Nassovich (Irkutsk).
- (4) The mayor of Irkutsk, M. Demidoff.
- (5) His excellency, &c., the Counselor of State Vasili Ivanovitch Mertsaloff (Tomsk).
- (6) M. Edmund de Lagrené, consul-general of France (Moscow).
- (7) Medical Director R. Kapello (Yakutsk).
- (8) His excellency General Peter Sivers (Irkutsk).
- (9) Count Emil Ahlefeldt Laurwigen (St. Petersburg).
- (10) His excellency Maj. Gen. George Tcherniaieff, governor of Yakutsk, Siberia.

Special rewards.

- (1) Sword for governor of Yakutsk.
- (2) Gold watch and silver medal for Ispranovich Kackaroffski.
- (3) The same for Ispranovich Ipatieff of Verchoyansk.
- (4) Gold medal and sporting rifle for Cossack Bourschoff; also \$200.
- (5) Silver medal and \$100 for Cossack Kalinkin.
- (6) For Cossack Boshedonoff, \$50.
- (7) Gold watch for Mr. Stepanoff, of Vusca.
- (8) For Mr. Thoman, \$300.
- (9) Gold watch for Mr. Charles Lee.
- (10) Silver medal for Constantin Bobskoff.
- (11) Silver medal for Jnokin Grombeck.

For natives of Lena Delta.

- (1) Gold medal and \$200 for Vassili Bobronsky.
- (2) Gold medal and \$100 for Irvin Androssoff.
- (3) The same for Constantin Mokoploff.
- (4) Silver medal for Peter Arrara.
- (5) Silver medal for Leips, of Veberin.
- (6) Silver medal for Alexai Atkassoff.
- (7) Silver medal for Michael Atkassoff.
- (8) Silver medal for Maxim Stepanoff.
- (9) Silver medal for Tarras Savin.
- (10) Silver medal for Nicola Vinakuroff.
- (11) Gold medal to Obermashrie Chumobor.
- (12) Gold medal to Maxim Corinonoi.
- (13) Gold medal and \$100 to Nicolai Diakonoff.

And to each of these one small bore muzzle-loading rifle, cases and ammunition included.

To the criminal exiles.

- (1) Kusma Eremiroff, \$250.
- (2) Tabin Kopaloff, \$100.
- (3) Feodor Scrannoff, \$100.

And for general distribution the stores recommended in original letter of Navy Department, \$1,000.

DEPARTMENT OF STATE,
Washington, July 3, 1885.

EXCELLENCY: I am directed by the President of the United States to convey to your excellency his most sincere thanks, and those of the people of the United States, for the distinguished and most opportune services rendered by you to the survivors of the Jeannette Arctic exploring expedition and to the relief parties sent out in search of them, which were thus enabled to accomplish the objects of their sad mission.

The President likewise begs your acceptance of the accompanying sword as a further testimonial of the enduring gratitude of the American people and their Chief Magistrate for your excellency's powerful and valuable assistance in time of need.

With best wishes for your excellency's continued health and welfare, be pleased to accept the assurances of my most distinguished consideration.

T. F. BAYARD.

His excellency Maj. Gen. GEORGE TCHERNAIEFF,
Governor of Yakutsk, Siberia.

DEPARTMENT OF STATE,
Washington, July 3, 1885.

HIGH EXCELLENCY: I am directed by the President of the United States of America to express his heartfelt thanks, and those of the people of the United States, for the honors shown by yourself and the officers under your command to the remains of the late Lieutenant-Commander De Long, of the United States Navy, and his companions of the Jeannette Arctic exploring expedition on their passage through Siberia, which will ever be remembered with appreciation and gratitude by this nation and serve to strengthen the feelings of friendship and good will already existing between the Empire of Russia and the United States of America.

Be pleased to accept, high excellency, the assurances of my most distinguished consideration.

T. F. BAYARD.

His high excellency Lieut. Gen. DMITRI GAVRILOVITCH ANUCHIN,
Governor-General, Irkutsk.

The same letter sent to the following:

His high excellency Lieut. Gen. Guerassin Alexéievitch Kalpoffsky, governor general, Omsk.

His excellency Maj. Gen. Serge Ivanovitch Nassovich, governor, Irkutsk.

M. Demidoff, mayor of Irkutsk, Irkutsk.

His excellency the Counsellor of State, Vasili Ivanovitch Mertsaloff, Tomsk.

DEPARTMENT OF STATE,
Washington, July 3, 1885.

SIR: The President of the United States of America directs me to convey his sincere thanks, and those of the people of the United States, to you, and the gentlemen under your orders, for the humane and valuable services rendered to the survivors of the Jeannette Arctic exploring expedition, and to the parties sent in search of them.

Nothing could have been more appreciated by this nation or have contributed more to confirm and increase the cordial feelings entertained towards the Empire of Russia.

Accept, sir, the cordial assurances of my distinguished consideration.

T. F. BAYARD

To Medical Director R. KAPELLO, *Yakutsk.*

The same letter sent to following:

His excellency General Peter Sivers, Irkutsk.

Count Emil Ahlefeldt Laurwigen, St. Petersburg.

DEPARTMENT OF STATE,
Washington, July 3, 1885.

Mr. CONSUL-GENERAL: The President of the United States of America directs me to express to you his sincere thanks, and those of the people of the United States, for great attention shown by you to the parties sent in search of the survivors of the Jeannette Arctic exploring expedition, and the respect and honors paid by you to the remains of Lieutenant-Commander De Long and his comrades, as they passed through Russia on their way to their native land.

Be pleased to accept, Mr. Consul-General, the assurances of my distinguished consideration.

T. F. BAYARD.

Mr. EDMUND DE LAGRENÉ,
Consul-General of France, Moscow.

No. 505.

Mr. Porter to Mr. Lothrop.

No. 8.]

DEPARTMENT OF STATE,
Washington, July 18, 1885.

SIR: Acknowledging the receipt of Mr. Wurts's No. 51, of the 14th ultimo, in the case of the arrest in Russia of Mr. Israel Müller, a naturalized American citizen, which so clearly states and illustrates the position taken by the Russian Government as regards its citizens who have left Russia without permission and become naturalized citizens of some other nation, I inclose for your information a copy of an opinion on this case by the law officer of this Department.

While the Department approves Mr. Wurts's course in reporting the general aspects of the case before action, and concurs with his inference that a favorable reply from the Russian Government is not probable, yet it would be as well, on general principles, to state Müller's case in the most favorable light to the foreign office without demanding his release as a right, expressing the hope that there may be circumstances which would dispose the authorities to be lenient, as has occasionally happened in previous cases.

It will thus be a matter of record that the Department and your legation have used their best efforts for our citizens, and each additional case will add to the evidence of the necessity for a naturalization treaty when a favorable moment arrives.

I am, &c.,

JAS. D. PORTER.

[Inclosure.]

DEPARTMENT OF STATE,
Law Bureau, Washington, July 8, 1885.

The question brought up in the dispatch of Mr. Wurts—which may be commended for its clearness and for the valuable information it gives as to the practice in this relation of the legation at St. Petersburg—is whether Russia may, without a violation of international law, refuse to relieve Russians by birth who, after being naturalized in the United States, return to Russia, from the obligations imposed on them as Russian subjects.

On this question it may be observed—

(1) That we have no treaty with Russia in any way conceding on Russia's part the right of expatriation.

(2) That even should we maintain that, by the present state of international law, the right to transfer allegiance by naturalization is generally established, this is subject to the right of the sovereign of original allegiance to disregard such naturaliza-

tion when, so far as it concerns himself, it appears to have been illusory and insincere on the part of the party naturalized.

It appears from the cases noted in Mr. Wurts's dispatch that the Russian Government, in the present case, has not transcended the right thus conceded of treating as inoperative foreign naturalizations which are thus illusory and insincere. The course, therefore, taken in the present case by the United States legation at St. Petersburg should meet with the approval of this Department.

All of which is respectfully reported.

FRANCIS WHARTON,
Law Officer, &c.

No. 506.

Mr. Bayard to Mr. Lothrop.

No. 12.]

DEPARTMENT OF STATE,
Washington, July 30, 1885.

SIR: In view of a letter of the 27th instant from Hon. Felix Campbell, M. C., I have to refer to instruction No. 21, of May 25, and to instruction No. 8, of July 18, 1885, and to ask that you will kindly report the particular facts in the case of the arrest of Israel Müller in Russia, so far as known to you, on the date of your reply to this instruction, and state what action has been had in the matter.

I am, &c.,

T. F. BAYARD.

No. 507.

Lieutenant Schuetze to Mr. Bayard.

ST. PETERSBURG, RUSSIA,
August 1, 1885.

SIR: It is with great regret that I announce to you the death of Maj. Gen. George Tchernaiëff, governor of Yakutsk, the officer who rendered such valuable services to the survivors of the Jeannette and the search parties, and for whom the sword of honor, which I have with me, was intended.

As yet I have learned of his death through the newspapers only, but Mr. Wurts, the secretary of our legation here, has written the foreign office for official confirmation of the newspaper announcement.

His excellency, Mr. Lothrop, has suggested that perhaps the sword might be presented to the Emperor of Russia, to be placed in some national department or military museum.

I shall leave the sword here until I return from Siberia or receive further instructions from you. I shall be prepared to leave for the east as soon as I receive necessary documents from the Russian Government, which will materially assist me in rapid traveling. They have been requested and I am expecting them daily.

My proposed route is by way of Moscow, Nishni Novgorod, Perm, and Ekaterinburg, into Siberia.

I have, &c.,

W. W. SCHUETZE,
Lieutenant, U. S. Navy.

No. 508.

Mr. Lothrop to Mr. Bayard.

[Extract.]

No. 9.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 13, 1885. (Received August 29.)

SIR: Your dispatch of the 30th ultimo, respecting the case of Israel Müller, a naturalized American citizen, was received to-day. I have reviewed the correspondence already had on that subject.

The case was first made known to this legation by your dispatch of May 25 last, covering an affidavit of Mr. Müller, made at Brooklyn, N. Y., May 1 last. By this it appears that Mr. Müller was born in Russia November 30, 1831, of Russian parents, still living there; that Müller emigrated to America in October, 1859, being then, as appears, about twenty-eight years of age. On December 6, 1884, he was naturalized at Brooklyn, and bearing an American passport he returned to his native town early in February of the following year; that, after a few days' sojourn there, he was arrested, and after suffering imprisonment for a few days, was released on bail. Subsequently he escaped from Russia and returned to the United States.

So far as appears from the papers Mr. Müller was not charged with any offense, except that he had, without leave, emigrated and renounced his allegiance and duties to the Russian Government.

It is undoubtedly the doctrine of the Government of the United States that a subject of one country has a right to transfer his allegiance and become a citizen of another. But Russia, so far as its own subjects are concerned, has steadfastly refused to recognize this doctrine. The Russian view of this is fully and lucidly set out in the dispatch of Mr. Wurts (No. 51) of June 14 last, and to which I beg leave to refer, and I also refer to the opinion of Dr. Francis Wharton, of date July 8 last, rendered to you, sanctioning Mr. Wurts's views.

I infer that the position of the Russian Government is that Mr. Müller violated the laws of his native country by emigrating without leave, assuming foreign citizenship, and thereby avoiding unlawfully his military obligations. While this position of the Russian Government is repugnant to American ideas and policy, and, as we believe, violates natural rights, yet it can hardly be said to be condemned by recognized international law. Under the earnest pressure of the United States, many modern nations, by treaty, have assented to our equitable doctrine on this point, and we hope the day is not distant when it will be universally recognized.

But, as already shown, Russia absolutely refuses to assent to it. Indeed, as shown by Mr. Wurts, she has rejected our frequent overtures to enter into new treaty stipulations with us on the subject, the last being in 1884. In this state of facts there seems little hope of any successful application to the Russian Government for redress. Indeed Mr. Müller has not made any claim for damages, nor has this legation received any instruction to make any for him. * * *

I may mention that the difficulty is much aggravated by the intense anti-Jewish feeling that seems to exist throughout Russia. It is all the more unmanageable because it is wholly unreasoning. Nearly every case that arises is that of a Jew who has emigrated; and the popular hostility to the Jewish race enters into all those difficulties. So far as I can judge the Government is much more favorably disposed towards the Jews than are the people at large.

I shall await any instructions that the Department of State may give me, and if thought expedient will again invite the attention of the Russian Government to the desirableness of some treaty adjustment.

I have, &c.,

GEORGE V. N. LOTHROP.

No. 509.

Mr. Bayard to Mr. Lothrop.

No. 16.]

DEPARTMENT OF STATE,
Washington, August 27, 1885.

SIR: This Government has learned with sincere regret, through a letter from Lieutenant Schuetze, U. S. Navy, written on the 1st instant at St. Petersburg, of the death of the highly esteemed Maj. Gen. George Tchernaiëff, governor of Yakutsk; who rendered such valued service some months ago to the survivors of the Jeannette expedition and to the parties sent in search of them.

Under your advice, apparently, Lieutenant Schuetze will leave at St. Petersburg the engraved sword which was in his charge for personal presentation to the late governor; and under these circumstances the President directs that, in the event His Majesty's Government shall so desire, you will kindly deliver the sword through the foreign office, with an appropriate letter, placing it at the Emperor's disposal.

I am, &c.,

T. F. BAYARD.

No. 510.

Mr. Porter to Mr. Lothrop.

[Extract.]

No. 23.]

DEPARTMENT OF STATE,
Washington, September 15, 1885.

SIR: Your dispatch, No. 9, of the 13th ultimo, giving your views in regard to the case of Mr. Israel Müller, which was the subject of the Department's instruction No. 21, of the 25th of May last, to Mr. Taft, has been read with interest.

* * * In the present condition of this case it is not thought that further instructions are necessary, the Department not doubting but that you will exercise sound discretion in the management of the matter.

I am, &c.,

JAS. D. PORTER.

No. 511.

Mr. Lothrop to Mr. Bayard.

No. 17.]

LEGATION OF THE UNITED STATES,
St. Petersburg, September 17, 1885. (Received October 5.)

SIR: The United States is so largely interested in the production and manufacture of sugar that the condition of that industry in Russia will not be without interest.

An imperial order has been lately published granting a bounty of 1 ruble, in addition to a repayment of the excise tax, on every pood (36 $\frac{2}{3}$ pounds) of refined or moist sugar that shall be exported for a time. A tariff, almost prohibitory, has, it seems, so forced the production of beet sugar in Russia that the home market is overstocked, and to avoid the ruinous consequences the imperial treasury is obliged to come to the aid of the producers. It is true that the order contemplates that the aid shall be only temporary, and that the treasury shall be reimbursed by the producers out of future crops; but this does not impair the significance of the main fact.

It will also be noticed that a reduction of the sugar duties is contemplated, and this seems a plain recognition that the industry is not on a sound footing.

The following is a translation of the order as officially promulgated in the Journal de St. Petersburg, and the text thereof:

Upon the advice of the committee of ministers, approved by His Majesty the Emperor, and made conformably with the report of the minister of finance relative to the encouragement to be given to the exportation of Russian sugars, it has been ordered:

I. For the purpose of encouraging the exportation of indigenous sugar, a special bounty of 1 ruble per pood (36 $\frac{2}{3}$ pounds), besides the repayment of the excise tax, shall be paid on cassonade or refined sugar exported.

(a) This bounty shall only be paid on sugar exported up to January 1, 1886; sugar exported to Persia and to the markets of Asia shall enjoy the benefit of the bounty up to July 1, 1886.

(b) The sum total of the bounties paid shall be reimbursed by the manufacturers of sugar at the time of payment of the excise tax upon the sugar produced in 1885-'86, and in 1886-'87. The apportionment shall be made per pood of sugar produced by the factories of the Empire and of the Kingdom of Poland.

(c) Only refined sugars and cassonade of first quality containing at least 99.5 per cent. shall obtain the bounty, and

(d) The bounty shall cease to be paid when the quantity of sugar exported shall reach the figure of 2,000,000 poods.

II. The minister of finance is authorized (a) to prescribe the detailed regulations for the order to be followed in view of the payment of this bounty and of its reimbursement to the treasury, and (b) to prepare a scheme for the reduction of the tax on imported sugar and to submit it for the consideration of the council of the Empire. (Bulletin des Lois No. 81.)

I have, &c.,

GEORGE V. N. LOTHROP.

No. 512.

Mr. Lothrop to Mr. Bayard.

No. 19.]

LEGATION OF THE UNITED STATES,
St. Petersburg, September 24, 1885. (Received October 10.)

SIR: It gives me pleasure to report to you that Lieut. W. H. Schuetze has safely reached Irkutsk on his journey to the Lena River.

I last evening received from him from Irkutsk, of date September 10 (old style), the following telegram:

Arrived; roads rough; wait here for winter road to Yakutsk.

SCHUETZE.

Yakutsk is, as I understand, about 2,800 versts beyond Irkutsk.

All mail matter received at this legation for Lieutenant Schuetze has been forwarded to him.

I have, &c.,

GEO. V. N. LOTHROP.

43 FOR

No. 513.

Lieutenant Schuetze to Mr. Bayard.

IRKUTSK, EAST SIBERIA,
September 25, 1885. (Received November 23.)

SIR: I have the honor to report arrival here on the 21st instant on my way to the mouth of the Lena River.

My route from St. Petersburg was the one usually followed in summer from Moscow over Nishni Novgorod, Kazan, Perm, and Tiumen. From the latter place to Tomsk the travel by steamer occupied ten days, and thence by wagon to Irkutsk, seventeen days. From Tomsk the time was unusually long, the roads being the worst known for years, owing to the almost constant rains during the past summer. In many places the regular track could not be followed at all, and temporary roads or paths lay through swamps, cultivated fields, or forests. Accidents to the wagon were frequent, causing long stops for repairs. Where the road was particularly rough, travel by night was, if not impossible, not advisable. When once I attempted it, I was all of one night making a station of 14 miles.

Owing to this unexpected delay on the latter part of the journey, I shall have to wait here until the winter road opens to Yakutsk, probably in the early part of November. I shall then proceed to Yakutsk as rapidly as possible, fit out the expedition for the north coast, and, returning from the delta, try to reach Irkutsk before the spring breaks up. Cold weather has now set in near Yakutsk, and the only practicable summer travel, by boat, is interrupted.

I telegraphed his excellency, Mr. Lothrop, upon my arrival here, and shall communicate with him, agreeably to your oral instructions, whenever I shall have occasion to use the telegraph.

I have now definitely learned through the attending physician, Dr. Kapello, whom I met on the way to Russia, that General Tchernaiëff, late governor of Yakutsk, died on June 12, after an illness of one month, of congestion of the lungs.

The usual visits with the officials of Irkutsk have been exchanged.

The newly appointed governor-general of East Siberia, Count Ignatieff, is particularly kind and courteous, and promises me all necessary official assistance in my journey to the north.

I have, &c.,

W. H. SCHUETZE,
Lieutenant, U. S. Navy.

No. 514.

Mr. Lothrop to Mr. Bayard.

No. 38.]

LEGATION OF THE UNITED STATES,
St. Petersburg, November 27, 1885. (Received December 14.)

SIR: Among the Russian officers and subjects who rendered eminent services in the rescue and succor of the survivors of the ill-fated Jeanette expedition was Maj. Gen. Georgey Fevdorwitch Tchernaiëff, governor at Yakutsk. In recognition of these services the President caused to be prepared a handsome gold-mounted sword, suitably inscribed and embossed, for presentation to him.

When Lieutenant Schuetze, of the United States Navy, reached St. Petersburg last summer, on his way to Eastern Siberia to deliver this sword with other presents, he learned that General Tchernaiëff had died, leaving neither wife nor children. Under these circumstances Lieutenant Schuetze thought best to leave the sword in the charge of this legation and to submit the question of its disposition to the President.

Your dispatch No. 16, of August 27 last, informed me that this course was approved, and that the President had directed that, if it was agreeable to the Emperor, the sword should be placed at His Majesty's disposal.

After waiting to verify the information previously received, on October 1 last I addressed a note to M. de Giers, imperial minister of foreign affairs, in which, after briefly reciting the facts, I added :

That the purpose of this gift may not wholly fail, it has seemed to the President most fit that the sword should still remain in Russia as a slight token of the gratitude and admiration of the American people for the noble services to humanity of this distinguished Russian soldier. If, therefore, it shall be agreeable to His Imperial Majesty, I am instructed by the President of the United States to place the sword at His Majesty's disposal.

In a few days his excellency replied that it would be agreeable to His Majesty to receive the sword as proposed.

Accordingly on November 1, by special appointment, I waited on the imperial minister, and delivered to him the sword, which he received with many kind expressions, assuring me that he should promptly deliver it into the hands of the Emperor. At the same time I placed in the hands of his excellency a note in which I explained that the President, in proposing to place the sword at the imperial disposal, had regard not to "any special intrinsic value of the sword, but because it was intended to express the sincere appreciation of the American people of the eminent and disinterested services of a brave Russian soldier to their distressed countrymen, and also because it might serve as a testimonial of the friendly relations which have always existed between the great Empire of Russia and the Republic of the United States of America."

A few days later M. de Giers transmitted to me the cordial response of the Emperor, which I send herewith and also a translation thereof.

I think it will give satisfaction that a gift designed to honor the noble conduct of a distinguished soldier has been accepted by his Government as an historical memento, to be preserved as a pledge of friendship between two great nations.

I am, &c.,

GEO. V. N. LOTHROP.

[Inclosure in No. 38.—Translation.]

M. de Giers to Mr. Lothrop.

ST. PETERSBURG, October 24, 1885.

MR. MINISTER: I made it my duty to transmit to His Majesty the Emperor the letter which your excellency addressed to me, together with the sword designed by the President of the United States for the late Major-General Tchernaiëff.

My august master cannot but congratulate himself that a Russian soldier in fulfilling a duty commanded by humanity, had, at the same time, the opportunity of testifying those sentiments of sympathy which animate all Russian officials toward American citizens. His Majesty has been profoundly touched by this mark of gratitude which the President of the United States had intended to give to the deceased.

As General Tchernaiëff left no heirs, it gives the Emperor pleasure to assent to the wish of the President that this *souvenir* shall be considered as a testimony of the American people.

His Majesty has therefore ordered that it shall be placed in the imperial arsenal, where are collected the historical *souvenirs* of special interest. It will there remain as a new pledge of the friendly relations which exist between the two nations, and to which my august master attaches the greatest value.

Receive, Mr. Minister, the assurance, &c.,

GIERS.

No. 515.

Mr. Lothrop to Mr. Bayard.

No. 40.]

LEGATION OF THE UNITED STATES,

St. Petersburg, November 28, 1885. (Received December 14.)

SIR: I last evening received from Lieutenant Schuetze, of the United States Navy, a telegram dated Irkutsk, November 27 (15th o. s.), 1885, as follows:

Leave for Yakutsk to-day.

SCHUETZE.

I had had a letter from Lieutenant Schuetze, dated October 1, announcing his arrival at Irkutsk September 23, and saying that the badness of the roads had made the last stage of his journey very difficult.

Settled winter seems now to have set in, and he will now probably be able to prosecute his journey without further delay.

All mail matter reaching this legation for Lieutenant Schuetze is promptly forwarded to him.

Very truly, &c.,

GEORGE V. N. LOTHROP.

SPAIN.

No. 516.

Mr. Frelinghuysen to Mr. Foster.

No. 274.]

DEPARTMENT OF STATE,

Washington, October 20, 1884.

SIR: I have to transmit herewith for your information and consideration a copy of a communication of the 23d of August, 1884, from Mr. G. E. Hubbard, United States commercial agent at Mayaguez, Porto Rico, to Mr. John Davis, Assistant Secretary of State, in which he inclosed a copy of a royal order concerning the translation of manifests.

Your attention is especially directed to the statement of Mr. Hubbard that this order affords no protection against fines or penalties incurred on account of mistakes in manifests resulting from such translations. It appears that the masters are compelled to guarantee in all cases the exactness of translations and be responsible for errors of interpreters. In view of the fact that the great majority of the masters of United States vessels are not familiar with the Spanish language, this rule seems

harsh and unfair, and, if strictly enforced, will result in great hardships. It seems but just and proper that, whenever it is made to appear to the satisfaction of the authorities that the failure to have a correct manifest is due to a mistake in the translation, no forfeiture or penalty should be incurred.

You are instructed to present the subject to the attention of the foreign office, with the request that the order be modified to the extent indicated.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 274.]

Mr. Hubbard to Mr. Davis.

No. 78.]

COMMERCIAL AGENCY OF THE UNITED STATES,
Mayaguez, Porto Rico, August 23, 1884.

SIR: I have the honor to transmit herewith a translated copy of a royal order concerning translations of manifests of foreign vessels, as published in the Official Gazette of this island on the 19th instant. In virtue of this order, masters of American vessels entering this port with merchandise will be obliged to have their manifests translated at their expense.

It may be pertinent to remark in this matter, firstly, that this expense will probably be considerable, and secondly, that it does not protect the master against fines, he being held solely responsible by the customs officials for any mistakes made by the interpreters in the translations.

I have, &c.,

GORHAM E. HUBBARD,
Commercial Agent.

[Inclosure 2 in No. 274.—Translation.]

Royal order concerning translations of manifests.

The following royal order, numbered 390, and bearing date of the 26th of July last, has been addressed by the ministry of the colonies to his excellency the governor-general:

"MOST EXCELLENT SIR: As the offices of the interpreters who were employed by the custom-houses were abolished by the royal decree of the 13th of June last, as article 32 of the ordinances consequently remains without application, and as it seems proper to provide some mode of procedure to be observed when a manifest is presented in a foreign language, the correctness of the translation being in all cases guaranteed; now, therefore, the King (whom God preserve) has seen fit to annul the provisions of the aforesaid article 32, and to order that the following be substituted therefor. When the manifest of a foreign vessel shall be received by the collector of customs in any language other than the Spanish, he shall authenticate and seal the same with the seal of the custom-house, and it shall be delivered to the consignee of the vessel in order that it may be translated at the expense of the captain; after which both the original and the translation prepared in proper form, shall be returned to the custom-house within twenty-four hours at the utmost. Translations shall be certified by none but sworn interpreters, ship-brokers who are also interpreters, and the consuls of nations with which treaties are in force wherein it is stipulated that translations made by said officers shall be entitled to full faith and credit. Manifests of vessels from Spain shall be sent to the auditor's office for due dispatch. If, in the mean time, it shall be thought proper to make fast the vessel to the wharf, the collector shall so order, giving notice of this order to the officer in command of the coast guard.

"I communicate the foregoing to your excellency by royal order for your information and for the proper effects."

And his excellency having this day ordered it to be executed, it is now published in the Official Gazette for general information.

MANUEL MAESTRE,
Intendant-General of Finance.

PORTO RICO, August 13, 1884.

No. 517.

Mr. Frelinghuysen to Mr. Foster.

No. 289.]

DEPARTMENT OF STATE,
Washington, November 22, 1884.

SIR: Referring to instruction No. 274, I inclose a copy of a dispatch from Havana, touching a royal order of August 13, 1884, requiring masters of vessels arriving at the ports of Porto Rico to have their manifests translated at their own expense.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 289.]

Mr. Williams to Mr. Hunter.

No. 64.]

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, October 24, 1884.

SIR: Replying to the Department's instruction No. 16, dated the 14th instant, inclosing the copy of dispatch No. 78 from the commercial agent at Mayaguez, Porto Rico, receipt of which is acknowledged in my No. 62, and in which he informs the department of the abolishment of the office of custom-house interpreters in Porto Rico, and, instead, the requiring masters of vessels to have their manifests translated at their own expense, I now have the honor to say, that upon the plea of economy, the same office has also been abolished in this island by royal order, promulgated in the Official Gazette, on the 24th of June last past.

In virtue thereof, the manifests of American vessels, as well as those of other nations, not presented in the Spanish language are translated at a cost to the masters ranging in each case from \$4 to \$25 Spanish gold. Thus far, no complaints from masters have reached this office in consequence.

But, as instructed, I shall represent the hardship and unfairness of the measure to the proper authorities.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

No. 518.

Mr. Reed to Mr. Frelinghuysen.

No. 270.]

LEGATION OF THE UNITED STATES,
Madrid, December 3, 1884. (Received December 22.)

SIR: Referring to previous dispatches, I have now the honor to inclose herewith, for your information, a copy of further correspondence between this legation and the minister of state, in regard to the case of the Masonic.

It will be observed that the minister of state, in his note of the 25th ultimo, accepts Mr. Foster's proposition to refer the question of damages &c., to an arbitrator selected by the two Governments.

I have, &c.,

DWIGHT T. REED.

[Inclosure 1 in No. 270.]

Mr. Foster to Mr. Elduayen.

MADRID, September 19, 1884.

EXCELLENCY: Under the instructions of my Government it becomes my duty to again bring to your excellency's attention the long pending case of the American bark Masonic, unjustly and illegally seized and confiscated by the customs authorities

of Manila, in January, 1879. This case was first presented to the ministry of state by this legation in a note dated August 3, 1880, when that ministry was under the worthy charge of your excellency, and from time to time since that date, so many notes have been addressed to your excellency's department, and so many conferences have been held upon the subject that it would be a work of supererogation to attempt a restatement of the case at this time.

In the last note which I had the honor to address to your excellency's predecessor, and to which, some months ago I verbally asked your attention, dated December 17, 1883, after referring to the patience with which my Government had waited the result of the proceedings instituted by the customs authorities of Manila, I restated the position which my Government has steadily maintained from the beginning, that the case should be treated diplomatically by the two Governments, and that in view of the decision of the tribunal of Manila in favor of the *Masonic*, no further delay should be interposed by his Catholic Majesty's Government to an immediate adjustment of the claim. After representing the great hardship and gravity of the case as twice presented by the President to Congress, I most urgently, but respectfully, requested that it might be at once transferred to diplomatic settlement, so that without further postponement the owner of the vessel might be compensated for the wrongs and injuries inflicted upon him.

As eight months have passed by without an answer to my note of December 17 last, I am instructed to again recall the attention of his Catholic Majesty's Government, and to respectfully, but in the most earnest manner, insist that the position maintained since the first presentation of the case, more than five years ago, and so urgently restated in my note of December 17 last, may be accepted by your excellency's Government, and that steps may at once be taken to promptly adjust the claim by diplomatic settlement.

Your excellency will remember that the basis of the seizure of the *Masonic* was the allegation of the customs authorities of Manila that there was a shortage of twenty-two cases of petroleum in the reshipment of the cargo. Notwithstanding the *ex parte* character of the legal proceedings at Manila, the non-appearance of the owner of the vessel before the court, and the absence of defensive facts on his part, the tribunal decided that the acts of the customs authorities were illegal. But in the note of this legation of August 3, 1880, a statement of evidence was made to your excellency (not submitted to the Manila tribunal) establishing beyond doubt that there was absolutely no shortage of petroleum at Manila, and that the full cargo was delivered at the port of destination, Nagasaki, Japan. As my Government desires that no further delay be made in doing justice to the owner of the *Masonic*, I inclose herewith copies of the documents whose contents are fully described in the note of this legation of August 3, 1880, to wit:

- (1) Sworn statement of J. A. Hewlete, of New York.
- (2) Sworn statement of Capt. A. S. Nichols, master of the *Masonic*.
- (3) Sworn statement of Darius C. Hall, master of the *Mount Lebanon*.
- (4) Sworn statement of Manly S. Genn, of the *Masonic*.
- (5) Declaration of Charles Sutton, stevedore at Nagasaki.

With these documents in your possession, your excellency will readily see how absolutely unfounded was the charge, and how grievous was the wrong inflicted by the customs authorities of Manila on the American vessel *Masonic*, and will recognize the necessity of at last rendering tardy justice to the owner, in whose behalf the President of the United States has manifested so deep an interest.

Expressing the hope that it may be found convenient to give an early reply to this note,

I subscribe myself, &c.,

JOHN W. FOSTER.

[Inclosure 2 in No. 270.]

Mr. Foster to Mr. Elduayen.

LEGATION OF THE UNITED STATES,
Madrid, October 11, 1884.

EXCELLENCY: In the interview which your excellency did me the honor to grant on the 9th instant, in directing your attention to the long pending case of the *Masonic*, I sought to again make clear the position which my Government has from the beginning held in this case, as it feels a deep interest in its early and satisfactory settlement. I take the liberty to repeat in writing what I said to your excellency on the day before yesterday, to wit: That the Government of the United States has maintained that the case of the *Masonic* was one which should be settled by direct diplomatic intervention, and that it was not a proper subject for judicial litigation. An American vessel, destined for the port of a third power, was driven into the Spanish port

of Manila by a storm. Without any legal cause, as I am informed, the court of Manila and the council of state have decided the vessel was seized while the American flag was flying, and, against the protest of the captain and of the consular representative of the United States, condemned (upon a pretext shown to your excellency to be without the slightest foundation) to pay an unreasonable and extravagant fine, and in default of its payment was confiscated by the Spanish authorities and sold.

This was such an outrage upon the rights of an American citizen and upon American shipping as would have justified my Government in demanding the summary punishment of the offenders and immediate reparation for the damages caused. But, in deference to the wishes of His Catholic Majesty's Government, that of the United States has patiently waited for nearly six years the slow progress of the *ex parte* litigation which had been instituted at Manila contrary to the protests of my Government.

As I said to your excellency in our last interview, the President of the United States, who has manifested a deep interest in this case, now feels that the time has arrived when prompt and ample reparation should be made, and I was much gratified at the assurance I received from your excellency; as I could expect no less from your high sense of justice, that the case should have your prompt attention.

In view of the fact that my Government expects that it will be adjusted through my direct intervention with your excellency, and that no further judicial delays will be interposed to aid your excellency in reaching an estimate of the damages which have been occasioned by the unlawful acts of the authorities of Manila, I inclose herewith a statement which the owner of the vessel has presented to the Department of State of the losses and outlays which these unlawful acts have brought upon him.

Holding myself ready to respond to an invitation for another interview upon the subject, or to receive in such manner as may be most convenient for your excellency the resolution of His Majesty's Government,

I subscribe myself, &c.,

JOHN W. FOSTER.

[Inclosure 3 in No. 270.—Translation.]

Mr. Elduayen to Mr. Foster.

MINISTRY OF STATE,
Palace, October 28, 1884.

MY DEAR SIR: In reply to the note of your excellency dated the 11th instant, relative to the case of the *Masonic*, I have the satisfaction to inform your excellency that the same has been definitely decided by the council of state in favor of the owner of the vessel, according to the decreed sentence published in the *Gaceta* of yesterday.

The new announcement of the termination of a litigation whose decision protects the rights of a North American citizen and accords with the desires of the Government of the United States, would be sufficient to give a full reply to the above-mentioned note; but as your excellency insists in it, in the idea that the question already terminated by the only competent authority ought to be arranged diplomatically, although this was, perhaps, with the intention of arriving at its prompt resolution, and indicates that in it there was an outrage on the rights of a citizen of the nation which your excellency so worthily represents, I deem it necessary to discuss both questions, although briefly, because the plainness of the reasons which I have to give will excuse a long explanation.

In regard to the first, it is sufficient to recall that in a question begun before the tribunals, and proper for their jurisdiction, it is not possible for the executive power, which must respect the independence of the judicial, to interfere, in order to be satisfied that this doctrine, universally recognized and respected, has served with perfect justice as a rule of conduct in the course of this case; to it I would have to limit myself, persuaded, as I am, that it is the only one compatible and in consonance with our legislation, aside from the fact that, in charging myself with the portfolio of state, it was being proceeded with in legal form without any objection from the United States, and the litigation was already coming to a termination and definitive decision, although at all events I insist in that it could not be proceeded with in a way distinct from that previously marked out by the laws, however great may have been the desires, as in fact they have been, of the present and preceding Governments of His Majesty to terminate this long and vexatious contest.

In the same way is found without foundation the suspicion that there existed in the case of the *Masonic* an outrage, or even the slightest offense to an American citizen, since the contrary would have been entirely opposed to the respect which Spain guarantees to the foreigner, and to the friendly relations which it is happy to sustain with the United States.

The captain of the *Masonic*, subject, in touching Spanish territory, to the common law, the latter judged itself from indications as violated by him, and condign punishment was imposed upon him. From this arose a litigation, doubtful as every process is, until the proofs make it clear, in which have been scrupulously observed the proceedings beforehand prescribed by jurisprudence, save the dispensation of the bonds decreed as a special favor, and out of consideration for the United States, in benefit of the complainant, in whose favor the litigation has also been definitely decided.

Neither in the commencement nor in the prosecution nor termination of the case in question was there then an indication of outrage on any one. It was an unfortunate event, but not rare, but very frequent and inevitable, in all countries and times since disputes exist, subject to the laws which decide them, and magistrates charged to apply them; a case, in the end, more regrettable, according to the sentence, for the Spanish treasury than for any person; if it was to be lamented, which it is not, the making effective an indemnification which the tribunals justly award.

Trusting, Mr. Minister, that what has been stated is sufficient to persuade you of correctness of what are for me incontrovertible truths,

I gladly avail myself, &c.,

J. ELDUAYEN.

[Inclosure 4 in No. 270.]

Mr. Foster to Mr. Elduayen.

LEGATION OF THE UNITED STATES,
Madrid, November 17, 1884.

EXCELLENCY: The note of the 28th ultimo with which your excellency honored me, in regard to the long pending case of the *Masonic* has received my careful attention.

I need hardly say to your excellency that it has greatly disappointed the expectations of my Government. I deem it proper, however, for the present to refrain from a discussion of the principles announced and the position assumed therein by the Spanish Government, further than to state that I can neither concur in nor accept them.

In place of a reply to your excellency's note, I have determined to submit to your wise consideration a suggestion both in the interest of justice to the individual wronged and the good harmony of the two nations. From the beginning my Government has insisted that the case was one proper to be settled by diplomatic means. That of Spain, on the other hand, has maintained that it should be adjusted by the instrumentality of the judicial tribunals. While my Government protested against the latter method it has permitted the judicial proceedings to have their course, and has patiently waited for nearly six years the result. As your excellency informs me, the tribunals, both in Manila and in this capital, have decided that the Spanish authorities of the Philippines acted without law or justice in seizing and confiscating the property of the American citizen Blanchard. But it will be adding another wrong to the original injustice if he is required to go to Manila and follow up the judgment by seeking to recover from those authorities the losses and injuries sustained by him. His only means of gaining a livelihood, his vessel, has been taken from him. The little that he had remaining has been expended in the thus far vain effort to recover his property or its value. He has no means of support left, and now to be told that he must go to the other side of the globe, in pursuit of justice at the hands of the very officials who have illegally despoiled him of his vessel, hardly comports with the high sense of fair dealing which has so distinguished the Spanish Government in its past relations with the United States, nor am I disposed to believe that such was the meaning of the note of the 28th ultimo. Neither can I think, from my personal acquaintance with your excellency, that when you know the condition of the claimant you will consent that this new wrong shall be inflicted upon him.

Now that it has been made clear by the repeated and final decisions of the courts that the acts of the authorities of Manila were without law or justice, I am persuaded that your excellency will accept their decisions as final, and that from a due consideration for a friendly nation, you will adopt the method of settlement suggested by my Government at the beginning. I have in my note of the 19th of September last furnished your excellency with the data upon which an adjustment may be made, and I sincerely hope that you may honor me with an invitation to a conference, with a view to an early and diplomatic conclusion of this vexatious and long deferred claim. In this way I will avoid the unpleasant duty of replying in detail to your excellency's note of the 28th ultimo, and be afforded a new opportunity to recognize the equity which marks the conduct of His Majesty's ministry.

Awaiting with interest the indications of your excellency,

I have, &c.,

JOHN W. FOSTER.

[Inclosure 5 in No. 270.—Translation.]

*Mr. Elduayen to Mr. Foster.*MINISTRY OF STATE,
Palace, November 22, 1884.

MY DEAR SIR: I have the honor to inform your excellency that I have received your last note (November 17) in regard to the Masonic, and have transmitted it to the minister of ultramar, praying him at the same time to authorize me without delay to treat and carry out the indemnification to which, according to the decreed sentence of the council of state, the owner of the said bark is entitled; authorization which I have solicited with a view to avoid new delays of ordinary legal procedure, and to terminate this question in the shortest time possible. To the same end, I hope that the said owner, through the legation under your excellency's worthy charge, will present an account of the expenses incurred, and injuries which the case in question may have caused him, in a form and manner which will be easy to come to an equitable and reasonable agreement in the shortest time possible.

I avail, &c.,

J. ELDUAYEN.

[Inclosure 6 in No. 270.—Translation.]

*Mr. Elduayen to Mr. Foster.*MINISTRY OF STATE,
Palace, November 25, 1884.

EXCELLENCY: In confirmation of the note which I had the honor to address to your excellency on the 22d instant, I hasten to inform you that the minister of ultramar has authorized me to terminate in a prompt and equitable manner the fulfillment of the decision of the council of state in the question of the North American bark Masonic. The Government of His Majesty, desirous of pleasing that of the United States, and of giving a proof to your excellency at the same time of the appreciation which it has of the friendly conduct of your official relations in this court, is disposed to accept the proposition of your excellency to submit to an arbitrator (*arbitro arbitrador*), nominated in common accord, in order to fix the amount of the losses, injuries, and damages, proposing to your excellency that the representative of Italy in Madrid, or Señor Don Salvador de Albacete be selected, to the end that, in a time which cannot exceed six months, he may examine the injuries suffered by the captain of the Masonic, and determine the pecuniary indemnification which he justly and equitably believes ought to be assigned, in view of the liquidation of the interested party and of the antecedents of the question, which will be furnished him in the ministry of ultramar, and in this, under my charge; fixing, besides, Washington as the place of payment of the amount agreed upon, which must take place within six months following the decision and with 6 per cent. interest from the date of the decision to the day of payment.

I avail, &c.,

J. ELDUAYEN.

[Inclosure 7 in No. 270.]

*Mr. Reed to Mr. Elduayen.*LEGATION OF THE UNITED STATES,
Madrid, November 26, 1884.

EXCELLENCY: The note which your excellency was pleased to address to Mr. Foster accepting his proposition to submit to arbitration the question of damages, &c., in the case of the Masonic was received just as he was in the act of leaving the legation for the railroad station to begin his journey to Washington. Mr. Foster, therefore, charged me to express to your excellency his hearty thanks for your action in the case, and his very deep regret that the urgency of his mission prevented him from delaying his journey for the purpose of answering your excellency's note at once; but I have forwarded a copy of the note to Washington and I can assure your excellency that it will receive the prompt attention which its importance merits.

I gladly avail, &c.,

DWIGHT T. REED.

No. 519.

Mr. Frelinghuysen to Mr. Reed.

No. 302.]

DEPARTMENT OF STATE,
Washington, January 17, 1885.

SIR: Referring to your No. 270 of the 3d ultimo, relating to the case of the Masonic, I have to state that the action of the legation as set forth in your dispatch and its inclosures, is approved. You are therefore authorized to accept the proposition of the minister of state to refer to Baron Blanc, the minister of Italy at Madrid, the adjudication of the injuries and losses suffered by the owner of the Masonic as the result of the seizure and sale of his vessel and the expenses occasioned by the prosecution of his claim. It must be understood, however, that Spain recognizes its responsibility for these injuries, losses, and expenses, and that the only subject which is to be submitted to Baron Blanc is the ascertainment and fixing of the amount thereof upon the evidence presented by the claimant and by the Spanish Government, the functions of Baron Blanc to be those only of a referee as to the amount of damages and not of an arbitrator of any question of responsibility, the latter question having been diplomatically settled against Spain.

It must be further understood that Baron Blanc will render his decision within six months from the date of your note accepting the proposition of reference, fixing the amount in American gold, and that the Spanish Government will pay to the Department of State in Washington, within six months from the date of the decision, the sum with 6 per cent. interest from the date of such decision.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 520.

Mr. Frelinghuysen to Mr. Reed.

No. 305.]

DEPARTMENT OF STATE,
Washington, January 28, 1885.

SIR: I inclose a copy of a letter from the Spanish consul at Key West addressed to Mr. James McKay, containing the information that the report asked of him by the Spanish Government as to the excessive cattle fees (the subject of previous correspondence) has been forwarded. If, within a reasonable time, you do not receive a note from the minister of state on the subject, you will exercise your discretion in again pressing upon his attention the matter of the return of this illegally-collected tax.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 305.—Translation.]

*Mr. Igúzquia to Mr. McKay.*CONSULATE OF SPAIN,
Key West, Fla., January 14, 1885.

DEAR SIR: In reply to your favor of this date, in which you inquire whether I have reported to my Government the amount of the fees collected by this consulate on neat cattle shipped in past years in American vessels to the island of Cuba, I hasten to in-

form you that, in obedience to orders received, I sent, under date of December 20, 1884, to his excellency the minister of state of His Majesty, a general statement of those fees which had been improperly collected, by mistake, and, also, of the amounts which are to be returned to the interested parties, in pursuance of the royal order.

I take pleasure, &c.,

FRANCO. FERNANDEZ IGÚZQUIA.

No. 521.

Mr. Reed to Mr. Frelinghuysen.

No. 301.]

LEGATION OF THE UNITED STATES,
Madrid, February 5, 1885. (Received February 24.)

SIR: Referring to your instruction No. 289, in regard to the translation of manifests in Cuba and Porto Rico, I beg to inclose a copy of my note to the minister of state upon the subject, dated the 8th December, 1884. The minister replied on the 3d ultimo that the subject had been referred to the minister of ultramar.

I have, &c.,

DWIGHT T. REED.

[Inclosure in No. 301.]

Mr. Reed to Mr. Elduayen.

LEGATION OF THE UNITED STATES,
Madrid, December 8, 1884.

EXCELLENCY: On the 13th June last, a royal decree was issued abolishing in the islands of Cuba and Porto Rico the customs-house interpreters and requiring the masters of vessels entering the ports of those islands to have their manifests translated at their own expense. It would seem that this decree affords no protection against fines or penalties incurred on account of mistakes in manifests resulting from such translations. It also appears that the masters of vessels are compelled to guarantee in all cases the exactness of translations, and be responsible for errors of the interpreters.

In view of the fact that the great majority of the masters of United States vessels are not familiar with the Spanish language, this rule seems harsh and unfair, and if strictly enforced will result in great hardships. My Government deems it just and proper, therefore, that whenever it is made to appear to the satisfaction of the authorities that the failure to have a correct manifest is due to a mistake in the translation, no forfeiture or penalty should be incurred.

I am, consequently, instructed to present the subject to the attention of your excellency, and to request that the decree in question may be modified to the extent above indicated.

I gladly avail &c.,

DWIGHT T. REED.

No. 522.

Mr. Reed to Mr. Frelinghuysen.

No. 303.]

LEGATION OF THE UNITED STATES,
Madrid, February 5, 1885. (Received February 24.)

SIR: Mr. Scheuch, our consul at Barcelona, in two dispatches, dated the 26th November and 6th December last, invited my attention to the duties charged by the customs authorities by order of the director-gen-

eral of customs at Madrid on a cargo of old scrap-iron and metal which had arrived at Barcelona per the Spanish bark *Concepcion*, and consigned to Messrs. Cibils & Rabell, of that port, by Mr. T. B. Hamel, of Havana, an American citizen resident in that city.

It appears from the documents which accompanied Mr. Scheuch's dispatches that Mr. Hamel had sent similar cargoes to Barcelona upon which no duties were exacted, and this cargo of the *Concepcion* was also entered free, the question of duties upon it arising afterward; and upon being referred to the director-general of customs here, it was decided that duties must be paid, as the cargo was not the "product" of the island of Cuba, and the collector at Barcelona was consequently ordered to impose full duties upon the cargo, which amounted to 17,474.15 pesetas.

In view of the facts connected with the case, I deemed it my duty to ask that the order of the director-general of customs be revoked; and I accordingly addressed two notes to the minister of state upon the subject, dated the 10th and 12th of December, 1884, copies of which I beg to inclose herewith. Not receiving any reply from the minister, and being informed by Mr. Scheuch that another cargo had arrived at Barcelona per the Spanish bark *Mario*, I called at the ministry of state on the 8th ultimo, and was informed by the subsecretary that my notes were referred to the minister of finance on the 19th of December, and as the matter was urgent, at his (the subsecretary's) suggestion, I called on the director-general of customs on the same day, who informed me that both cargoes must pay duty, as they were not the product of Cuba. I undertook to convince him to the contrary, but was unsuccessful, and I consequently telegraphed Mr. Scheuch as follows:

Direction-general of customs says law will not permit free entry *Mario* cargo, as it is not the product of Cuba; further says full duties must be paid. Can be done under protest if desired, or cargo can go into deposit. Same decision in case of *Concepcion*.

On the 24th ultimo Mr. Scheuch informed me that the cargo of the *Mario* had been placed in deposit, and inclosed a copy of a protest in regard thereto, made before him by Mr. Rabell, of the firm of Messrs. Cibils & Rabell.

Some days since I met the minister of finance at the palace, and in the course of conversation I mentioned the case to him, and much to my surprise he told me that he knew nothing about it, and asked me to call upon him at his ministry, when he would make inquiry in regard to the matter. Accordingly, I called upon him on the 26th ultimo, and he sent for the director-general of customs who stated that a royal order had already been issued that old scrap-iron and metal proceeding from Cuba must pay duty. I then called the minister's attention to my notes upon the subject which had been referred to him by the minister of state. He informed me that he had not seen them, and seemed very much annoyed that action had been taken without having submitted the matter to him, and in my presence ordered the director-general of customs to bring my notes and all the papers in the case to him. He then promised me to examine the subject carefully, and, if possible, to revoke the royal order above referred to.

I have reported my action somewhat in detail as Mr. Hamel may bring the case to the attention of the Department.

I have, &c.,

DWIGHT T. REED.

[Inclosure 1 in No. 303.]

*Mr. Reed to Mr. Elduayen.*LEGATION OF THE UNITED STATES,
Madrid, December 10, 1884.

EXCELLENCY: I am in receipt of a communication from the consul of United States at Barcelona in regard to certain duties amounting to 17,474.15 pesetas, exacted by the custom authorities of that port on a cargo of old scrap iron and metal consigned to Messrs. Cibils & Rabell, a prominent firm of that city by Mr. F. B. Hamel, an American citizen residing at and doing business in Havana, Island of Cuba.

For the better information of your excellency, I beg to inclose (1) a copy in Spanish of the communication of Messrs. Cibils, & Rabell to the consul of the United States at Barcelona; (2) the declaration in English of Mr. Hamel before the consul-general of the United States at Havana, that the cargo consisted of old copper and iron, plates, rails, horseshoes, brass, and yellow-metal clippings, and scraps of such metals as had already been imported into the Island of Cuba, and had paid the corresponding duty, and that the said cargo was duly shipped and cleared at the custom-house of Havana with the certificate that the same consisted of "scraps and products of the island;" (3) a copy in Spanish of the report of the vista de aduanas at Barcelona, Señor D. Luis de Villalobos; (4) a copy in Spanish of the defense delivered to the administrator de aduanas of Barcelona by Messrs. Cibils & Rabell, to whom the cargo was consigned; and (5) a copy, also in Spanish, of an exposition sent to his excellency the minister of hacienda by certain commercial houses of Barcelona against the order of the direccion-general de aduanas in regard to the case in question.

As these documents fully set forth the facts of the case, it is unnecessary for me, at this time, to argue the subject in detail. But your excellency will permit me to state that it seems clear that according to law of the 30th of June, 1882, no duties should be exacted upon the cargo above referred to, and especially not, as the said cargo was declared by the custom-house of Havana as consisting of "products of the Island of Cuba;" besides, Mr. Hamel had already shipped to Barcelona other cargoes of a like nature upon which no duties were exacted.

I beg, therefore, to submit the case to the attention of your excellency, and to request your excellency's powerful intervention with his excellency the minister of hacienda, with a view to having the order of the direccion-general de aduanas canceled, and the cargo admitted free of duty, as the facts and the law of 30th June, 1882, would seem to warrant.

I gladly avail, &c.,

DWIGHT T. REED.

[Inclosure 2 in No. 303.]

*Mr. Reed to Mr. Elduayen.*LEGATION OF THE UNITED STATES,
Madrid, December 12, 1884.

In addition to the note which I had the honor to address to your excellency on the 10th instant relating to the duties exacted at Barcelona on a cargo of old iron and metal consigned to Messrs. Cibils & Rabell by Mr. F. B. Hamel, an American citizen residing at Havana, I now beg to inclose a copy of the "poliza de embarque" of the said cargo, which I have just received from the consul of the United States at Barcelona, and which was furnished to him by the customs authorities of that port, and also a copy of the decision of direccion-general de aduanas as communicated to Messrs. Cibils & Rabell by the said customs authorities.

As your excellency will observe, the decision of the direccion-general de aduanas appears to have been based upon the fact that the "poliza de embarque" did not contain the necessary certificate that the iron and metal in question was the product of Cuba. But your excellency will also observe that this decision does not seem to be in accordance with the facts, as one of the copies of the "poliza de embarque," which I have the honor to inclose, contains the following certificate of the customs officials at Havana, "Certifico ser desechos de ferro-carriles del pais," and the other, "Certifico ser desechos de ferro-carriles y fundiciones del pais." These certificates of the customs authorities at Havana, together with the facts stated in my note of the 10th instant, do not seem to leave any doubt as to the claim made by Messrs. Cibils & Rabell, that the cargo of the Concepcion should be admitted free of duty; and as Mr. Hamel has another cargo on its way to Barcelona, which is expected to arrive at that port during the present month, I beg that your excellency will be good enough to give the subject early consideration, and to use your good offices with his excellency the minister of hacienda, in the sense indicated in my note above cited, of the 10th instant.

I gladly avail, &c.,

DWIGHT T. REED.

No. 523.

Mr. Reed to Mr. Frelinghuysen.

No. 308.]

LEGATION OF THE UNITED STATES,
Madrid, February 10, 1885. (Received February 24.)

SIR: I have the honor to acknowledge the receipt of your instruction No. 302, authorizing me to accept the proposition of the minister of state to refer to Baron Blanc, the Italian minister at Madrid, the adjudication of the injuries and losses suffered by the owner of the *Masonic*, as the result of the seizure and sale of his vessel and the expenses occasioned by the prosecution of his claim. The instruction was received on Saturday, the 31st ultimo, and the 1st and 2d instant being holidays, I was unable to act upon the instruction until the 3d instant. On that date I addressed a note to the minister of state, accepting his proposition, which note (the minister not being in) I delivered to the subsecretary of state in person on the same day, who promised that I should have an immediate reply, but up to the present it has not arrived. I inclose herewith a copy of my note.

I called the subsecretary's attention to the fact that the decision of Baron Blanc must be rendered within six months from the date of my note (3d instant), and asked him if the minister of state would inform Baron Blanc of his selection as referee, or if this must be done by us jointly. He replied that they would have to look up some precedent as to this formality, and again assured me that an immediate reply to my note would be sent me. Eight days having elapsed and the reply not having been received, I have deemed it proper to report my action in the matter without further delay.

I have seen Baron Blanc, and in informing him unofficially of his selection as referee, he told me that he felt highly honored with the distinction and with the confidence reposed in him by the United States, and gave me to understand that he would accept the charge.

If within a few days I should receive no reply from the minister of state, I will invite his attention to the subject. It is very desirable if the owner of the *Masonic* has any evidence to present, that it should be sent without delay.

I have, &c.,

DWIGHT T. REED.

[Inclosure in No. 308.]

*Mr. Reed to Mr. Elduayen.*LEGATION OF THE UNITED STATES,
Madrid, February 3, 1885.

EXCELLENCY: Referring to your excellency's note of the 25th of November last, and to my reply of the 26th of the same month, in regard to the case of the *Masonic*, I have now the honor to inform your excellency that the Government of the United States accepts the proposition to refer to Baron Blanc, the minister of Italy, at this capital, the adjudication of the injuries and losses suffered by the owners of the *Masonic* on account of the seizure and sale of his vessel and the expenses occasioned by the prosecution of his claim. I am instructed at the same time to inform your excellency that it must be understood that Spain recognizes its responsibility for the injuries, losses, and expenses occasioned to the owner of the *Masonic* by the seizure and sale of his vessel, and that the only subject which is to be submitted to Baron Blanc is the ascertainment and fixing of the amount to be paid by Spain on account of the injuries, losses, and expenses above referred to, upon the evidence presented by His Majesty's Government and by the claimant, the functions of Baron Blanc to be those only of a referee as to the amount of damages and not of arbitrator of any question of responsibility, the latter question having been diplomatically settled against Spain.

I am also instructed to inform your excellency that it must be further understood that Baron Blanc will render his decision within six months from the date of this note accepting the proposition of reference, that the amount of Baron Blanc's award shall be in American gold, and that the Spanish Government will pay to the Department of State in Washington, within six months from the date of the decision, the sum awarded by Baron Blanc, with 6 per cent. interest from the date of his decision or award.

In communicating the above to your excellency I beg to add that I am entirely at your disposition in the matter, and should it be necessary will be happy to consult your excellency with regard to any preliminary steps in reference thereto.

I gladly avail, &c.,

DWIGHT T. REED.

No. 524.

Mr. Reed to Mr. Frelinghuysen.

No. 310.]

LEGATION OF THE UNITED STATES,
Madrid, February 24, 1885. (Received March 9.)

SIR: Referring to your instruction No. 289, and to my dispatch No. 301, relating to the translation of manifests in Cuba and Porto Rico, I have now the honor to inclose herewith, for your further information, a copy and translation of a note from the minister of state, dated the 19th instant, by which it will be observed that the minister of ultramar has decided that when it is shown to the satisfaction of the treasury officials of the provinces of ultramar that the fault in a manifest is only due to an error in translation, the captains of vessels will not be liable to fine or to any responsibility.

The decision of the minister of ultramar would seem to cover the request contained in my note of the 8th of December last, a copy of which accompanied my No. 301.

I have, &c.,

DWIGHT T. REED.

[Inclosure in No. 310.—Translation.]

Mr. Elduayen to Mr. Reed.

MINISTRY OF STATE,
Palace, February 19, 1885.

MY DEAR SIR: Having given account to my colleague, the minister of ultramar, of the note which you were pleased to address me on the 8th of December last, he informs me that it has been recently decided that, when it is shown to the satisfaction of the treasury officers of the provinces of ultramar that the fault in a manifest is only due to an error in translation, the captains of vessels will not incur a fine or any responsibility.

I avail, &c.,

J. ELDUAYEN.

No. 525.

Mr. Frelinghuysen to Mr. Reed.

No. 312.]

DEPARTMENT OF STATE,
Washington, February 27, 1885.

SIR: I inclose copies of dispatches from Matanzas and Havana, touching the imposition of a \$2,000 fine at the port of Matanzas on the American barkentine Ocean Pearl, on account of shortage in a mani-

fested cargo of ten empty molasses hogsheads, which were left on the wharf at Philadelphia.

It is unfortunate that so much correspondence is necessitated by an act of the local officer in a case where it seems evident to the most casual glance that no intention of fraud was presumable. Whatever technical ground may exist for the levy of a fine under such circumstances, it is plainly without moral basis; and this Government expects that the matter will be adjusted by the Government at Madrid in such a way as shall relieve the master and owners and all parties concerned in the vessel from unjust exactions.

You will please press the matter firmly, yet courteously, on the attention of His Majesty's Government.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 312.]

Mr. Williams to Mr. Davis.

No. 118.]

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, February 13, 1885.

SIR: Referring to the dispatch, No. 115, addressed to the Department under date of the 11th instant, by Mr. Vickers, our consul at Matanzas, with regard to the fine of \$2,000 imposed upon the American barkentine Ocean Pearl, of Portland, Me., by the customs authorities of Matanzas, for the non-delivery of ten empty hogsheads, from her last cargo brought from Philadelphia, I now beg to inclose, for the use of the Department, the sworn statement, dated the 10th instant, and made before Consul Vickers by E. S. Henley, master of the said barkentine.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 2 in No. 312.]

Affidavit of E. S. Henley.

CONSULATE OF THE UNITED STATES,
Matanzas ———, ———.

On this the 10th day of February, 1885, before me, the undersigned, consul of the United States at Matanzas, personally appeared Mr. E. S. Henley, master of the American barkentine Ocean Pearl, of Portland, and deposed that he sailed from Philadelphia on the 11th of December, 1884, and arrived at this port on the 27th of the said month, laden with coal, cooperage, machinery, and empty hogsheads; that, after discharging his cargo, he received a communication from the collector of customs, dated the 13th day of January, 1885, informing him that there had resulted a short delivery in his cargo, as compared with the manifest, "ten empty molasses hogsheads;" that for said reason, and in accordance with paragraph 13, article 12, chapter 2 of the general regulations of custom-houses, he had incurred a fine of *two hundred dollars* for each one of the empty hogsheads not discharged, which sum, amounting to \$2,000, should be paid to the custom-house, through his consignee, as soon as possible.

That on receipt of the foregoing communication he delivered it to the United States consul in this port, who assumed charge of the matter, as the correspondence will show.

That subsequently, on the 3d of February, 1885, he received another communication from the collector, informing him that his excellency the general intendente of the treasury, by decree of the 29th of January last past, had approved the proceedings against him on account of the short delivery of ten hogsheads from the barkentine Ocean Pearl, and at the same time indicated that a petition would be presented to the Government of His Majesty asking a remission of the fine as regards the part corresponding to the treasury, and ordering that the fine be deposited in the treasury vaults until such time as a decision should be taken. All of which he communicated

to me for my information, with the indication that within the term of five days the \$2,000 be paid into the office of this custom-house, and that in case that it be not done an execution (ejecutivamente) would follow in the form prescribed by article 134 of the regulations of the custom-house.

The foregoing communication was likewise delivered to the United States consul in this port, who also stated that he would assume charge of it.

That on or about the 22d of January, 1885, he, the appearer, chartered his said vessel to Messrs. Melville & Co., American merchants, residents in this city, for a voyage to a port in the United States with a cargo of molasses. He commenced loading on the 26th of the same month, and finished on the 9th of February instant, on which day he, accompanied by the inward consignee and a member of the firm shipping the outward cargo, applied to the collector of customs for the clearance of vessel and cargo; that clearance was refused unless the fine be secured to the custom-house, either by cash payment or by a guarantee for the same to the satisfaction of the collector; that on this the inward consignee offered to give his guarantee for the amount in question. To this the collector replied that his signature was satisfactory, but that the guarantee would not be sufficient without an additional signature of a reliable and responsible party.

That the appearer has reason to believe that the refusal of clearance on delivery of a guarantee of the consignee only was not the real cause of declining to dispatch the vessel, but, owing to some fancied grievance, he, the collector, adopted a course which, as far as known to the appearer, and as far as he can learn, has not been heretofore the general custom of this port, is without precedent and arbitrary, and he does not deem it just or equitable that an imagined wrong should be used to interfere with a legitimate commerce to the detriment of himself, the owners of the vessel, and the owners and shippers of the cargo.

E. S. HENLEY,
Master of American barkentine Ocean Pearl.

Before me.
[SEAL.]

DAVID VICKERS,
United States Consul.

Supplementary to the above, the deponent further deposes and says that from subsequent testimony, consisting of the certificate of the shippers, Isaac Hough & Co., of Philadelphia, now in possession of the "intendente-general de hacienda," the ten molasses hogsheads were accidentally left on the wharf at the aforesaid city.

E. S. HENLEY,
Master of American barkentine Ocean Pearl.

Before me.
[SEAL.]

DAVID VICKERS,
United States Consul.

[Inclosure 3 in No. 312.]

Mr. Williams to Mr. Davis.

No. 120.]

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, February 14, 1885.

SIR: Referring to and in amplification of my dispatch No. 118, dated yesterday, in reference to the fine of \$2,000 imposed at Matanzas upon the American barkentine Ocean Pearl, from Philadelphia, for short delivery of ten empty hogheads, I now beg to inclose, for the information and use of the Department, copy of my communication upon the subject, addressed to his excellency the intendant-general of the treasury of this island, and his reply thereto.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General

[Inclosure 4 in No. 312.]

Mr. Williams to Mr. Ruiz.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
Havana, January 30, 1885.

EXCELLENCY: Referring to the two interviews I had the honor to have with your excellency regarding the fine of \$2,000 imposed at Matanzas upon the American barkentine Ocean Pearl, from Philadelphia, for having discharged ten empty hogheads

less than those specified in her manifest, I have now the pleasure to inclose the certificate made before the consul of His Majesty the King of Spain at the said port by the shippers, Messrs. Isaac Hough & Co., in which they declare to have shipped only two hundred and thirty-five empty hogsheads instead of two hundred and forty-five.

I have therefore respectfully to ask that your excellency may accept the certificate aforesaid as sufficient evidence of that fact, and that, in virtue thereof, you may be pleased to acquit the vessel of the penalty referred to, so that she can proceed to take in cargo without further loss of time.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 5 in No. 312.—Translation.]

Mr. Ruiz to Mr. Williams.

INTENDANCY-GENERAL OF THE TREASURY OF THE ISLAND OF CUBA,
Havana, February 4, 1885.

A communication will be addressed to-morrow to the ministry, asking for the remission of that part belonging to the treasury of the fine imposed by the custom-house of Matanzas upon the master of the American brig Ocean Pearl for being short, on discharge of cargo, ten empty hogsheads of those specified in his manifest; a penalty which is entirely in accordance with paragraph 13 of article 121 of the present ruling customs ordinances. At the same time orders have been sent to the collector of the aforesaid custom-house of Matanzas to admit a guarantee for the whole amount of the fine until the decision of the home Government shall be received. All of which I have the honor to inform you, in reply to your communication of the 30th ultimo upon the subject, having also to add that what has been done in this case is all that this intendancy is authorized to do.

God preserve you many years.

LUCAS GARCIA RUIZ.

[Inclosure 6 in No. 312.]

Mr. Vickers to Mr. Davis.

No. 114.]

CONSULATE OF THE UNITED STATES,
Matanzas, January 15, 1885.

SIR: I have the honor to inform you that on the 13th instant the American barkentine Ocean Pearl was fined \$2,000, on account of being short ten empty molasses hogsheads in her manifested cargo. The fine has been imposed in obedience to section 13, article 121 of the customs regulations, which, being translated, says "that for each package which is expressed in the manifest and does not appear on board, he, the master, will pay \$200." The hogsheads were left on the wharf at Philadelphia, from whence the Ocean Pearl sailed on the 11th of December last past, arriving here on the 27th of the same month, loaded with coal, machinery, and empty hogsheads, and was consigned to John J. Dacosta, who, under the new regulations of September 17, 1883, is in reality the responsible party to the Government. Still, as the fault rested with the master, and as the consignee has the vessels' freight money, I have remonstrated with the customs authorities against its collection and requested a suspension of judgment until a certificate can be obtained from the shipper in Philadelphia proving that the hogsheads were left there on the wharf. This once obtained will relieve the vessel of any intent to smuggle or otherwise violate the customs laws of Spain. And I take it that if no fraud was intended or committed, no penalty for fraud can be imposed.

Although I communicated these facts to the collector of customs on the 14th instant, no reply has been received; still I understand that my request will be granted. If not I shall protest and instruct both the master and consignee not to pay it.

I will communicate further upon the subject when it is more fully developed.

I am, &c.,

DAVID VICKERS,
Consul.

[Inclosure in 7 No. 312.]

Mr. Vickers to Mr. Davis.

No. 115.]

UNITED STATES CONSULATE,
Matanzas, February 11, 1835.

SIR: In acknowledgment of your instruction No. 63, of January 31, respecting the fine of \$2,000 imposed on the American barkentine Ocean Pearl for a shortage in her manifested cargo, I have the honor to report that she was cleared yesterday for Philadelphia on the bond of the consignee alone, upon my demand through shippers. The questions involved respecting the legality and justification of the fine imposed are to be referred to the Government at Madrid for its ultimate solution. My contention is, and always has been, that the collector had no legal justification or right to impose this fine under the attendant circumstances; and when the promise was made that a certificate from the shippers in Philadelphia would be presented (which was subsequently done through the consulate-general at Havana), verifying the explanation of the master that the absent hogsheads were left on the wharf in that city, all judgment should have been suspended, but unfortunately the collector suddenly conceived a prejudice against me, on account of my "officious interference," as he termed my proper representation of the master in the case, and determined to precipitate the matter by a reference of the whole affair to Havana. This action had a twofold operation in it: It seemed to justify his recent appointment as a zealous official and (2) secured, as he hoped, the half of the fine to himself and associates; and inasmuch as none of them had been paid their salaries for nearly six months the prospect of securing something was not to be thrown away.

It is more than probable that the prejudice against me, which apparently inspired the collector, grew out of the recent controversy I had over the question of the Carrie Bertha, and under which the custom-house still writhes. However that may be, I was determined not to be diverted from the plain path of my duty by any original and Dogberrian interpretations of the regulations or laws of Spain. I take it that if I have any official character at all it is that of the representative, or attorney, of the American vessels, crews, and masters.

I submit copies of the correspondence between the collector and myself, without other comment than to indicate that if the opinion of the collector, as expressed in his No. 4, is to be the future basis of action on the part of the authorities here American vessels will greatly suffer by the change.

Messrs. Isaac Hough & Co., of Philadelphia, the shippers of the goods on the Ocean Pearl, have been requested to make out a legal certificate before a notary public, certified to by the Spanish consul, and forward here at once. It is probably now on its way here. As soon as received I will return it to the Department, in order that it may accompany the reference to the American minister in Madrid.

With respect to section 13, article 121, of the customs regulations, under which the fine is enforced, I maintain that it has no permanent application as soon as it is proven that the goods were never on the vessel. In order that it should have effect I contend that there must be proven an attempt to violate it. This is not charged.

Suppose a vessel loses a part of her cargo by storm; there must be in that case a discrepancy between the goods landed and the manifest. What is the requirement under these circumstances? The master enters his protest in the custom-house and the discrepancy is at once pardoned. Why? Because there was no attempt to evade or violate that regulation or any other customs law of Spain. By the same token I have maintained that if the hogsheads were left on the wharf in Philadelphia there was likewise no attempt to defraud the customs laws; and I take it that if no attempt was made, or charged, no penalty for fraud can be imposed.

The section in question is as follows: Chapter II, article 121, section 13: "Por cada bulto que haya expresado en el manifiesto y no resulte á bordo pagará [el capitan] doscientas pesos."

After my No. 7 had been written (the matter having been referred to Havana) all further correspondence between the collector and myself ceased, though the former continued, semi-occasionally, to address the captain, ignoring me; but, inasmuch as the affair had passed out of my hands into that of the consul-general I preferred to let all questions of etiquette cease for the present, not wishing to embarrass the question of the fine.

I am, &c.,

DAVID VICKERS.

[Supplement to No. 115.]

I find, upon a rereading of my dispatch, I neglected to state that at first the customs authorities demanded a bond signed by one other acceptable name besides that of the consignee. This demand was unprecedented. It has always been the custom to

accept alone the bond of the consignees of vessels when such a document was required, but the collector departed from that rule, not because he doubted the responsibility of the consignee, but, as he alleged, because it was a "personal" matter with him, inspired by my "officious interference" in the question. Subsequently, and upon the order of the intendente-general at Havana, this was changed to a demand that the full amount of the fine be deposited by the master. I thereupon again appealed to the consul-general, who had the order revoked, whereupon the demand was again made that two "acceptable names" be placed upon the bond ere they would dispatch her. Both the consul-general and myself contended that if the authorities allowed a merchant to accept consignments they were morally, if not legally, bound to accept his bond, especially in so simple a case as this, where no fraud was attempted, as they had repeatedly admitted. This was the condition of the case until yesterday a. m., when application was made for her dispatch, being then loaded, but it was refused. About 4 p. m. I again sent the shippers and the consignees to formally repeat the request for the vessel's discharge, and if refused to demand the reason in writing and bring to me, and that I would then officially demand her dispatch upon the bond of the consignees alone, and if again refused should place the responsibility of her detention upon the authorities here. The final visit was successful and she was dispatched at once, even without the bond being first deposited. In fact it has not yet been filed.

I am, &c.,

DAVID VICKERS.

[Inclosure 8 in No. 312.]

Mr. Vickers to Mr. Pueyo.

CONSULATE OF THE UNITED STATES,
Matanzas, January 13, 1885.

SIR: I have the honor to inform you that the official communication addressed by you to the captain of the American barkentine Ocean Pearl has been referred to me. All future communications respecting the fine imposed you will please direct to me.

I am, &c.,

DAVID VICKERS,
United States Consul.

[Inclosure 9 in No. 312.—Translation,]

Mr. Pueyo to Mr. Vickers.

LOCAL ADMINISTRATION OF THE CUSTOM-HOUSE,
Matanzas, January 14, 1884.

Under date of yesterday this office addressed to Mr. E. S. Henley the following:

"In the discharge of the American barkentine Ocean Pearl there resulted short ten empty hogsheads, for which reason, in conformity with paragraph 13, article 121, chapter 2 of the general ordinances of the bureau, you have incurred a fine of \$200 for each one of the packages which have not been discharged, which sum, amounting to \$2,000, should be paid into this office as soon as possible, through your consignees."

All of which I communicate to you, acceding to what you requested in your official letter of the 13th instant.

May God guard you many years.

RAFAEL PUEYO.

[Inclosure 10 in No. 312.]

Mr. Vickers to Mr. Pueyo.

CONSULATE OF THE UNITED STATES,
Matanzas, January 14, 1885.

SIR: I have the honor to acknowledge receipt of your esteemed communication of this date, and I have to inform you, that since I addressed to you my official letter of the 13th instant, requesting that all communications in reference to the fine on the American bark Ocean Pearl be directed to me, I have had occasion to see the captain of the said vessel, who confesses that his cargo has really resulted short ten empty molasses hogsheads, which remained in the port of Philadelphia, all which is true and will be conclusively proven by a certificate of the shipper, duly legalized.

Inasmuch as this statement is reasonable and susceptible of proof, and as it is not charged that there was intended or attempted the perpetration of any fraud against the laws of Spain, it seems to me that all the moral conditions of the circumstances could be quite as fully complied with in regarding it as one of those unpleasant, though unavoidable, accidents which frequently happen in the loading of vessels, and pardoned accordingly. This will be apparent upon a more liberal reading of the article quoted in connection with its antecedents. In these the implication is that the *bullos* contain certain merchandise entered for consumption, like food, or silks, or opium, but in this case the articles or *bullos* found short were a part of an importation made necessary by the conditions of the trade of this port, and for your convenience and profit. There comes no attempt at smuggling and no charge of such attempt is made, and to place so literal an interpretation upon the intent of the regulations, added to such an enormous fine, is scarcely consistent or justifiable.

With regard to the immediate payment of this fine under the circumstances it is scarcely to be thought of. I have therefore instructed the captain not to pay it, and shall so instruct the consignee, pending the decision of the Government at Madrid, before which it will be presented by my Government.

I am, &c.,

DAVID VICKERS.

[Inclosure 11 in No. 312.—Translation.]

Mr. Pueyo to Mr. Vickers.

LOCAL ADMINISTRATION OF THE CUSTOM-HOUSE,
Matanzas, January 16, 1885.

With the greatest pleasure I acceded to the wishes which you were pleased to indicate to me in your esteemed communication of the 13th instant, conveying to you what I had written to the captain of the American barkentine *Ocean Pearl*, under the supposition that what interested the consulate under your worthy charge was to be informed of all details and the course followed in the proceedings taken against the captain for the delinquency noticed in his vessel. But inasmuch as I observe in your esteemed favor of the 14th the intention to maintain, directly, on part of that consulate, the rights of the said captain, I find myself forcibly compelled to call your respectable attention to the customs laws of Spain, which do not permit the personal and direct representation which you propose to exercise in the present case.

Article 48 of the ordinances in force makes the consignees of vessels responsible for all dues, expenses, and fines which the treasury may have to collect; the second paragraph of article 127, and all the following ones of chapter 3 of the same ordinances, declare that proceedings must be instituted against the parties interested, and inasmuch as, in the matter which occupies our attention, the responsible party is the captain of the *Ocean Pearl*, according to article 121, paragraph 3, it follows that the proceedings should be taken against him, through the consignee of the vessel, who is in all cases, as already stated, the guarantor for the treasury.

For the reasons mentioned, I address to-day to the captain of the *Ocean Pearl* a communication, through his consignees, requesting that he be pleased to say if he accepts as his own your communication in his defense of the 14th instant; and as soon as this requisite is complied with, and after obtaining further and proper information, I will determine the matter and forward the proceedings for decision to the general administrator of the treasury, binding myself to inform your respectable consulate of all the details of the case, the proceedings of which (*expediente*) will be also at the disposal of the consulate, that you may, as often as you may deem it necessary, examine them and obtain all the antecedents required.

By the foregoing I have the honor to reply for the present to your communication in question.

May God guard you many years.

RAFAEL PUEYO.

[Inclosure 12 in No. 312.]

Mr. Vickers to Mr. Pueyo.

CONSULATE OF THE UNITED STATES,
Matanzas, January 16, 1885.

SIR: It will be sufficient reply to your communication of this date to inform you that the captain has been instructed by me to make no reply whatsoever to any communication which you may address him, except through this consulate, which is his proper representative.

With respect to the fine imposed, I have likewise instructed both him and the consignee not to satisfy it pending the decision of the Government of Madrid, before which it will be referred.

I am, &c.,

DAVID VICKERS,
Consul.

[Inclosure 13 in No. 312.—Translation.]

Mr. Pueyo to Mr. Vickers.

LOCAL ADMINISTRATION OF THE CUSTOM-HOUSE,
Matanzas, January 17, 1885.

The erroneous opinions advanced in the communication of yesterday, of your respectable consulate, compels this administration under my charge to leave to you the sole responsibility for them.

May God guard you many years.

RAFAEL PUEYO.

[Inclosure 14 in No. 312.]

Mr. Vickers to Mr. Pueyo.

CONSULATE OF THE UNITED STATES,
Matanzas, January 17, 1885.

SIR: If I understand your communication of yesterday correctly, you have attempted to eliminate my representation from the controversy over the fine imposed upon the American barkentine Ocean Pearl, from that of the master, by attempting to separate him from his consul and to obtain from him some explanation, either of the same character or different, or whatever it may be, from that which he had officially made through me, as communicated to you in my communication of the 14th instant. If this was your purpose it became my immediate duty to inform you that the master would be directed, as he already had been, to make no further or other explanations than had already been made, and only through this consulate, which is the proper and authorized representative. If you did not mean this, I beg leave respectfully to submit that you were unwise in the terms employed.

As to responsibility incurred through any erroneous impressions under which you charge I labor, I will assume it, though I confess my inability to understand or appreciate what you intend to imply in placing upon me responsibility which, in your communication of to-day, you recognize, and which, in your communication of yesterday you assumed to deny. However that may be, I have to inform you that the whole circumstance of this case, with copies of our correspondence, will, in due time, be forwarded to my Government, which will, I doubt not, place it before that of Madrid for their joint agreement and decision. It is unfortunate that so simple a case, wherein no fraud was attempted, as I shall abundantly establish by a certificate of the shipper in Philadelphia, could not have been speedily and amicably settled here, without the trouble of a reference to higher authority.

I am, &c.,

DAVID VICKERS,
Consul.

No. 526.

Mr. Reed to Mr. Frelinghuysen.

No. 312.]

LEGATION OF THE UNITED STATES,
Madrid, March 2, 1885. (Received March 16.)

SIR: Referring to my dispatch No. 308, I have now the honor to inclose herewith a copy and translation of the note of the minister of state in reply to mine of the 3d ultimo, in which I accepted, as instructed by your No. 302, the proposition to refer to Baron Blanc the question of injuries, &c., in the case of the Masonic. The minister's note is dated

the 11th ultimo, but it was not received by me until Saturday evening, the 14th.

As will be observed, the minister takes exception to two statements in my note, first, "that it must be understood that Spain recognizes its responsibility for injuries," &c. To this statement the minister replies, in substance, that Spain has never recognized any responsibility in this question; that the question was decided by the courts.

To the second statement in my note, viz, "and not of arbitrator of any question of responsibility, the latter question having been settled diplomatically against Spain," the minister insists that the question was not settled diplomatically, but by the courts. The third exception made by him is in regard to the payment of the award in "American gold," which he styles as "a new proposition," and claims that it is not in conformity with mercantile uses.

I did not deem it advisable to enter into any discussion by note of the three exceptions made by the minister as the so doing would have undoubtedly caused delay in submitting the case to Baron Blanc as referee. Besides, I did not deem it important whether the Spanish Government or the Spanish courts had recognized the responsibility in the matter, or whether the question had been settled "diplomatically" or by the "courts" and as to the amount awarded I considered it would be immaterial to my Government whether the sum was paid in gold or in current money, so long as the award was made in money of the United States, and the sum paid at Washington netted the amount of the award. I consequently deemed it best to request the minister to name a day when he could see me. This I did, but the 15th, 16th, 17th, and 18th being days of the "Carnival" and the ministry closed, the minister named the 19th for our interview. On that day I called at the ministry at the hour named, but the minister had a few moments before my arrival been called to the Senate, and I was requested to call the following day, the 20th. I accordingly called on the 20th and had a long interview with the minister, during which I told him that inasmuch as it had been decided that the Spanish treasury was responsible to the owner of the *Masonic* for the injuries, &c., which the seizure and sale of his vessel had occasioned him, and as the two Governments had agreed to refer the question of the amount of said injuries, &c., to Baron Blanc, I did not consider it important whether the Government of Spain or the Spanish courts had recognized the responsibility, or whether the question had been settled "diplomatically" or by the "courts," but that I must add that the United States had never consented to the matter being submitted to the courts.

As to the payment of the award in "American gold," I stated that I did not think that my Government would insist upon this point, as all it desired was that the award should be made in money of the United States, and the sum paid in Washington should net the amount awarded by Baron Blanc. The minister replied that the only object of his note was to have the matter clearly understood before it was submitted to Baron Blanc, as otherwise the baron might be influenced one way or the other in his decision. I answered that as Baron Blanc was only to decide as to the amount the Spanish Government should pay to the owner of the *Masonic*, and not as to any question of responsibility, I did not think that the questions raised by him (the minister) could influence in any way the decision of the baron.

We then discussed the form of invitation to be sent to Baron Blanc, and the sub-secretary of state was charged by the minister to prepare a draft of the note in the sense agreed upon by us. The draft was pre-

pared and sent to me for my approval on the evening of the same day (the 20th), a copy and translation of which I inclose for your information.

On reading the draft the question occurred to me whether or not the word "perjuicios" was sufficient to include injuries, losses, and expenses. In returning the draft in person to the sub-secretary (the minister not being in) on the following day (the 21st) I called his attention to this point. He was of the opinion that the word "perjuicios" covered the words "injuries," "losses," and "expenses." I replied that while I did not wish to question his opinion, I thought it would be better to substitute for the word "perjuicios" the following: "Perdidos, perjuicios y los gastos ocasionados al propietario por la tramitacion de su reclamacion." I also requested that the words "y por la legacion de los Estados Unidos en esta corte" be added after the word "cargo" at the close of the draft. The sub-secretary promised to consult with the minister on his return in regard to these two changes and to advise me as to the result.

Not hearing from the minister or sub-secretary, I called at the ministry on Saturday last, the 28th ultimo, and the sub-secretary read me the new note of invitation which had been prepared for Baron Blanc, stating that instead of inserting the words suggested by me they had deemed it best to copy the words "daños y perjuicios debidamente acreditados por el propietario" used in the decision of the council of state. As the note was merely an invitation to Baron Blanc to accept the charge, I did not deem it necessary to insist upon my suggestion, and the note, a copy and translation of which is inclosed herewith, was then signed by the minister of state and myself, with the addition at its close as requested by me of the words "and in the legation of the United States in this capital."

As will be observed the note is dated the 28th ultimo, and it was sent to Baron Blanc on the evening of the same day. On the receipt of Baron Blanc's note in reply, I will hasten to transmit a copy to the Department, but I may now state that Baron Blanc has assured the minister and myself that he would accept the charge.

I have, &c.,

DWIGHT T. REED.

[Inclosure 1 in No. 312.—Translation.]

Mr. Elduayen to Mr. Reed.

MINISTRY OF STATE,
Palace, February 11, 1885.

MY DEAR SIR: In reply to your note, dated the 3d instant, I have to inform you that the Government of His Majesty congratulates itself that that of the United States has accepted the arbitration and has selected Baron Blanc, the Italian minister in this capital, for arbitrator, in the question of the amount which, as indemnification, the Spanish treasury owes the owner of the Masonic, as well for the respectability of the arbitrator designated from among those proposed by the Government of His Majesty as for the lively desire which it has to definitely terminate a question the delays of which it has always regretted, but without being able to avoid them.

With the indicated resolutions of the Government of the Republic and by virtue of the agreement between the legation and the ministry under my charge, in respect to the terms of the request which has to be made to Baron Blanc in order that he may accept the arbitration, and to define clearly the limits and object of the arbitration with all the clearness already determined in the notes addressed to the legation dated the 22d and 25th of November last, and with which your recent note essentially agrees, the matter appears clear, arguments idle, and the reciting of the evident facts already perfectly known to you unnecessary.

However, two statements, and a new proposition in your note to which I reply,

oblige me to newly put matters in their place, in order to do away with ambiguities, never beneficial, and especially at present, when they might influence the impartial judgment of the arbitrator.

The first of them is the phrase in which you say you are instructed to inform me "that it must be understood that Spain recognizes its responsibility for the injuries, &c."

Spain has never recognized any responsibility in this question. It was submitted from the beginning, with the acquiescence of the parties, and as it legally should have been, to the jurisdiction of the courts, the only competent authority to definitely decide it. The courts have given their verdict, and the executive power of Spain is obliged to comply with the sentence of its courts, without having the necessity of recognizing other than the notoriously ineludible and never rejected obligation of complying with the law.

Your second statement which it is important to rectify is that contained in the following words of your note: "And not of arbitrator of any question of responsibility, the latter question having been settled diplomatically against Spain."

All the facts, all the proceedings which have followed the long process of the Masonic declare and show that such assertion is absolutely erroneous; it began before the only competent jurisdiction for the interested parties, followed the ordinary and legal course, and far from suffering denial of justice, in which hypothesis and only case, it might have been made the object of founded diplomatic reclamations, and the Government of His Majesty finds itself sufficiently authorized to treat it on this ground, taking it from the jurisdiction of the courts; far, I repeat, from the existence of denial of justice, the previous decision and the required definitive decision of the council of state completely settled the case in favor of the American citizen and against the Spanish treasury, decreeing that the latter indemnify the former.

And there is still more, precisely of what is now treated of; that which the Federal Government accepts according to your note is nothing more than the manner, the most rapid and equitable means, of compliance, of carrying out the definitive decision of the council of state, only and exclusively, which testifies that in the judgment also of the Government which you so worthily represent, the litigation of the Masonic has not been diplomatically settled, but by virtue of the sentence of the competent jurisdiction.

Such being the facts, it remains for me to add, in order to recount them all, that the aforementioned sentence of the council of state once published, Mr. Foster informed me verbally and by writing how pleased his Government would be by the selection of a means which would shorten the delays and avoid the obstacles of the ordinary course to which the question would have to be subjected before the indemnification could reach the hands of him to whom the courts had declared entitled to it, and I, in view of such a manifestation and interpreting the good desires of the Government of His Majesty towards that of the United States and its purpose of giving it testimony and proofs of how much it esteems the very cordial relations which unite Spain and the United States, cheerfully asked of my colleague of ultramar authorization to intrust to the judgment of an arbitrator named by both countries, the definite question as to the amount of the decreed indemnification, as stated in my note to the legation of the 22d November; by another of the 25th of same month, I stated that I had received the authorization under the conditions indicated; I named besides persons among whom the arbitrator might be selected; further, the one designated should, upon the examination of the data which would be furnished him by the ministry of ultramar and that under my charge, render his verdict within the short space of six months; Washington was fixed as the place of payment of the sum awarded, which payment had to be made within six months after the decision, with 6 per cent. interest during this time; all these conditions extremely equitable and favorable to the owner of the Masonic and which the Government of the United States has accepted by the note to which I reply.

The reach and signification which, abiding by the very evident facts, your transcribed phrases may have, being explained, it remains for me to observe that the proposition indicated in your note, that the payment shall be made in *American gold* is new and not in conformity with mercantile uses, when another class of money does not suffer a notable discount, it being more natural and reasonable that without determining the class, the payment be made in current money in the United States.

If by means of the condition which I have above indicated and consigned in my notes of the 22d and 25th of November last, the same which, save the point concerning the payment in American gold, the note to which I have replied accepts, putting aside from that note or the reach of the cited phrases being fixed, you esteem it opportune to come to this ministry in order to agree upon the form of invitation, and make clear the object of the arbitration to Baron Blanc, the offers and desires of the Government of His Majesty, which in its opinion are identical to those which you represent in this matter, will be complied with.

I avail, &c.,

J. ELDUAYEN.

[Inclosure 2 in No. 312.—Translation.]

*Draft of a note to Baron Blanc.*MINISTRY OF STATE,
Palace, February 20, 1885.

EXCELLENCY: The Government of His Majesty the King, my august sovereign, and the Government of the United States of America have agreed to submit to the decision of an arbitrator the sum which, as an indemnification, the Spanish treasury must pay to the owner of the North American bark *Masonic*, in virtue of the decreed sentence of the council of state of the 16th of October, 1884, and both Governments, recognizing the gifts of rectitude and justice which adorn your excellency, have not hesitated a moment in indicating you as the most proper person for the discharge of that delicate commission.

We therefore have the honor to invite your excellency to be pleased to accept the power which the Governments of Spain and of the United States grant you in order that, in a period which cannot exceed six months, you may examine the injuries suffered by the owner of the *Masonic* and determine the pecuniary indemnification which you justly and equitably believe ought to be assigned to him, in view of the liquidation of the interested party and of the antecedents of the question, which will be furnished to your excellency as well in the ministry of ultramar as in this under my charge.

[Inclosure 3 in No. 312.—Translation.]

*Mr. Elduayen and Mr. Reed to Baron Blanc.*MINISTRY OF STATE,
Palace, February 28, 1885.

EXCELLENCY: The Government of His Majesty the King, my august sovereign, and the Government of the United States of America have agreed to submit to the decision of an arbitrator the sum which, as indemnification, the Spanish treasury must pay to the owner of the North American bark *Masonic*, in virtue of the decreed sentence of the council of state of the 16th of October, 1884, and both Governments, recognizing the gifts of rectitude and justice which adorn your excellency, have not hesitated a moment in indicating you as the most proper person for the discharge of that delicate commission.

We therefore have the honor to invite your excellency to be pleased to accept the power which the Governments of Spain and of the United States grant you in order that, in a period which cannot exceed six months, you may examine the damages and injuries duly proved by the owner of the *Masonic*, and determine the pecuniary indemnification which you justly and equitably believe ought to be assigned to him, in view of the liquidation of the interested party and of the antecedents of the question, which will be furnished to your excellency in the ministries of ultramar and of state and in the legation of the United States in this court.

We avail ourselves, &c.,

J. ELDUAYEN,
DWIGHT T. REED.

No. 527.

Mr. Reed to Mr. Frelinghuysen.

No. 314.]

LEGATION OF THE UNITED STATES,
Madrid, March 3, 1885. (Received March 23.)

SIR: Referring to my dispatch No. 312, I have now the honor to inclose herewith a copy and translation of a note from Baron Blanc, dated the 2d instant, accepting the position of arbitrator in the case of the *Masonic*. I also inclose a copy of my note in reply thereto of this date.

As Baron Blanc is ready to enter at any time upon the examination of the case, I beg to renew the suggestion contained in my No. 308, in regard to any evidence which the owner of the *Masonic* may desire to furnish.

I have, &c.,

DWIGHT T. REED.

[Inclosure 1 in No. 314.—Translation.]

*Baron Blanc to Mr. Reed.*LEGATION OF ITALY,
Madrid, March 2, 1885.

MR. CHARGÉ D'AFFAIRES: I have the pleasure to acknowledge the receipt of your communication dated the 28th of February last, in which you inform me that the Government of His Majesty the King of Spain and the Government of the United States of America having agreed to submit to the decision of an arbitrator the amount which the Spanish treasury must pay as indemnification to the owner of the North American bark *Masonic*, in virtue of the decreed sentence of the council of state, dated the 16th of October, 1884, the two Governments had done me the honor to invite me to accept their powers in order that within a period which cannot exceed six months, I might examine the damages and injuries duly proven by the owner of the *Masonic*, and determine the pecuniary indemnification which in justice and equity I believe ought to be assigned to him in view of the liquidation of the interested party, and of the antecedents which will be furnished me by the ministries of ultramar and of state and by the legation of the United States in Madrid.

Believing it my duty to ask the Government of the King, my august sovereign, authorization to accept so honorable a charge, and it having conceded such authorization, I put myself at the disposition of the Governments of Spain and of the United States to fulfill in the most faithful manner possible the commission mentioned in the cited communication.

In giving to you my sincere thanks for the flattering phrases with which you were pleased to inform me of a confidence for which I am profoundly obliged, I avail myself, &c.,

BLANC.

I have directed a similar communication to the minister of state.

[Inclosure 2 in No. 314.]

*Mr. Reed to Baron Blanc.*LEGATION OF THE UNITED STATES,
Madrid, March 3, 1885.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 2d instant in reply to the note of his excellency the minister of state and of myself of the 28th ultimo, inviting your excellency in the name of our respective Governments to accept the charge of arbitrator in regard to the amount which the Spanish Government should pay the owner of the North American bark *Masonic* as indemnification for the damages and injuries suffered by him in the seizure and sale of his vessel by the Spanish customs authorities at Manila.

I have transmitted a copy of your excellency's note to Washington and my Government will receive with pleasure the announcement that your excellency accepts the charge intrusted to you by it and by the Government of Spain.

I gladly avail, &c.,

DWIGHT T. REED.

No. 528.

Mr. Bayard to Mr. Reed.

No. 317.]

DEPARTMENT OF STATE,
Washington, March 10, 1885.

SIR: I have to acknowledge the receipt of your No. 303 of the 5th ultimo, in the matter of customs duties charged at Barcelona on cargoes of old scrap iron and metal shipped to that port by Mr. F. B. Hamel, of Havana, showing the status of the case.

In connection I inclose a copy of a dispatch on the subject from Havana, and of an instruction in reply; you will act on the case according to its merits.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 317.]

Mr. Williams to Mr. Davis.

[Extract.]

No. 103.]

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, January 10, 1885.

SIR: Herewith I beg to transmit the authenticated copy of a declaration and protest, filed under date of the 8th instant, at this office, by Mr. Fernando B. Hamel, against the collection of import duties in the port of Barcelona, Spain, on several shipments made thither by him of old iron and other junk articles from the port of Havana.

Mr. Hamel, who has been for many years favorably known to me, * * * begs to appeal to the Department of State, asking for the exercise of its good offices in his favor through our minister at Madrid.

The accompanying declaration and protest is so explicit in itself that nothing more remains for me to say than to recommend, most sincerely, the appeal of Mr. Hamel to the kind and friendly consideration of the Department.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 2 in No. 317.]

*Protest of Fernando B. Hamel.*CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
Havana, Cuba.

By this public instrument of declaration and protest be it known and made manifest unto all to whom these presents shall come or may concern, that, on this 8th day of January, A. D. 1885, before me, the undersigned, consul-general of the United States of America for Havana, and the dependencies thereof, personally appeared Fernando B. Hamel, a citizen of the United States, a merchant doing business in this city of Havana, who, being first duly sworn, did declare and state as follows:

That on the 10th day of July, 1883, he shipped by the Spanish bark *Concepcion*, Sola master, bound to Barcelona, Spain, from this port, an invoice of junk stores, composed of old iron and other metals, and amounting, with charges thereon, to the sum of \$5,382.75, Spanish gold, and consigned by him to the firm of Balcells & Subiran, of Barcelona;

That upon the arrival and entry of said shipment at Barcelona, the custom-house authorities levied duties thereon to the amount of \$1,282, and collected the same from his correspondents, the said Balcells & Subiran, notwithstanding the representations made by them to the customs authorities that the collection of said duties was contrary to law and regulations;

That on the 11th of July, 1884, he again shipped by the Spanish bark *Concepcion*, and consigned to the firm of Civills & Rabell, of Barcelona, another invoice of old iron and metal, amounting, with charges, to \$8,282.54, Spanish gold. The vessel arrived at her destination, was discharged, and the goods cleared at the custom-house as free of duty, sold and delivered with that understanding, when it appears that the customs authorities of said port demanded of the said consignees the amount of \$3,494.83 as duties thereon, and for the payment of which they were forced to give bond.

This appearer further declares that his correspondents in Barcelona have made repeated representations in his name and interest before the customs authorities of that port, principally to the effect that old metals are not in any sense the production of any country; that in these instances the same proceeded from Cuba, a province of Spain, and were shipped under the Spanish flag, and should not be considered as the production of a foreign country; that the said metals have already, in their original form, and when new, paid the corresponding duties to the customs authorities of Cuba, and now broken up and fit for no purpose but remanufacture into new forms should not again be assessed for customs duties; and further that the collection of such duties upon the said goods was in direct contravention of the law of June 30, 1883; that his correspondents in Barcelona have also protested before the United States consul at that port, the interest being that of an American citizen against the collection already made of the duties upon the first-mentioned shipment, and demanded the return of the same as illegally collected, and against the pretension and demand of the customs authorities for duties upon the second shipment for which the consignees were forced

to give bonds which should be cancelled; but as this appearer is informed and believes such representations have been without any effect.

And this appearer further declares that on the 11th of August, 1884, he shipped an invoice of similar goods, old metals, amounting to \$2,438.35, by the Spanish brig Tuya, bound to Barcelona, and consigned to Balcells & Subiran.

That on the 23d October, 1884, he shipped an invoice of old metals, amounting to \$10,352.68, by the Spanish bark Mario, bound to Barcelona, and consigned to Civills & Rabell; and that on the 5th November, 1884, he made a similar shipment of old metals, amounting to \$2,286.51, by the Spanish bark Maipo, bound to Barcelona, and consigned to Balcells & Subiran; and fearing that the customs authorities of Barcelona may have similar pretensions for the payment of duties, and take the same action in these last-mentioned shipments as in the two before-mentioned cases, this appearer hath by these presents publicly and solemnly protested against all and every person and persons whom it doth or may concern, and against all and every matter or thing had and met with as aforesaid whereby and by reason whereof the said appearer already has or hereafter shall appear to have suffered or sustained damages or injury. And doth declare that all losses, damages, costs, charges, and expenses that have happened to said appearer through the action of the custom-house authorities of Barcelona, as hereinbefore set forth, are and ought to be borne by those to whom the same may by right appertain, the same having occurred as before mentioned, and not by or through any insufficiency, default, or neglect of this appearer or of his agents and correspondents; reserving to himself the right to further extend this protest should need and occasion require.

Thus done and protested in the port of Havana, this 8th day of January, A. D. 1885.

FERNANDO B. HAMEL.

In testimony whereof the said appearer has hereunto subscribed his name, and I, the said consul-general, have granted to him this public instrument under my hand and the seal of the consulate-general to serve and avail him and all others whom it doth or may concern as need and occasion may require.

[SEAL.]

RAMON O. WILLIAMS,
United States Consul-General.

A true copy.

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 3 in No. 317.]

Mr. Hunter to Mr. Williams.

No. 35.]

DEPARTMENT OF STATE,
Washington, February 26, 1885.

SIR: I have to acknowledge the receipt of your dispatch No. 103, forwarding the protest of Mr. Fernando B. Hamel against the collection of import duties at Barcelona on shipments of old iron from Havana.

In reply I have to inform you that Mr. Hamel's protest is satisfactory. It remains, however, to demonstrate to the satisfaction of the Department—

(1) That Mr. Hamel is a citizen, native or naturalized, of the United States.

(2) The claim of Mr. Hamel that junk and scrap metals are the production of no country, and are the remains of articles which, if imported into Cuba, paid duty when first coming in, is sound and equitable. But it should be sustained by affidavits of competent witnesses that the junk did so originate and was broken up into junk in Cuba. It should be made clear that junk from the United States is not imported into Cuba as junk, and thence reshipped for Spain. The reduced third column duty may make it profitable to make such transshipment. As to this the Department is not informed, scrap metal not being in the Cuban tariff of 1873, the latest the Department possesses.

If the duty on American junk in Cuba be, at the present time, lower than on American junk sent to Spain, then it would pay to reship it to Barcelona to be entered on the free list.

It is understood that Mr. Hamel has a branch house in Baltimore, and weekly vessels, owned by the firm, ply between the United States and Cuba.

All the Department desires is to have the *bona fides* of the transaction established before representations are made to the Spanish Government.

You will examine the case carefully and report the result of your investigation. If Mr. Hamel's operations are *bona fide* you should forward such testimony as will establish it and prove his citizenship.

I am, &c.,

W. HUNTER,
Second Assistant Secretary.

No. 529.

Mr. Bayard to Mr. Reed.

No. 322.]

DEPARTMENT OF STATE,
Washington, March 23, 1885.

SIR: Referring to instruction No. 312 of the 27th ultimo, I inclose in the case of the Ocean Pearl, fined at Matanzas, a copy of a dispatch from our consul there and also a certificate which he transmitted touching the ten empty hogsheads mentioned in the above instructions.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 322.]

Mr. Vickers to Mr. Davis.

No. 116.]

UNITED STATES CONSULATE,
Matanzas, February 20, 1885.

SIR: I herewith inclose certificate of Edward K. Sparks, esq., of the firm of Isaac Hough & Co., of Philadelphia, relating to the shipment of 235 empty molasses hogsheads in place of 245 as manifested, the absence of which caused the fine to be imposed on the American barkentine Ocean Pearl.

I am, &c.,

DAVID VICKERS,
Consul.

[Inclosure 2 in No. 322.]

Affidavit of Edward K. Sparks.

Personally appeared before me Edward K. Sparks, of the firm of Isaac Hough & Co., shipping and commission merchants doing business in Philadelphia, who deposes and says that his firm shipped on the Ocean Pearl, bound for Matanzas, on or about December 7, 1884, 235 empty molasses hogsheads, not 245 as manifested, 10 of them having been left on the wharf.

EDW. K. SPARKS.

Philadelphia, this 13th day of February, 1885.

Sworn and subscribed before me this 13th day of February, 1885.

[SEAL.]

THOMAS M. CRANE,
Notary Public.

No. 530.

Mr. Reed to Mr. Bayard.

[Extract.]

No. 318.]

LEGATION OF THE UNITED STATES,
Madrid, April 8, 1885. (Received April 25.)

SIR: I had the honor to duly receive Mr. Frelinghuysen's instruction No. 305, of the 28th January last, relating to the return of the so-called cattle tax collected by the Spanish consul at Key West. As instructed, I waited a reasonable time, and not receiving a note from the minister of state, I mentioned the subject to the sub-secretary of state, who promised to attend to it. More than a month having passed and the promised note not having been received I addressed a note to the minister of state on the 4th instant, recalling his attention to the subject and expressing the hope of my Government that, as the Spanish consul at Key

West had forwarded his report to Madrid, the money unjustly collected by him would now be returned to the interested parties without further unnecessary delay. A copy of my note is herewith inclosed for your further information.

The minister of state addressed me a note on the 4th instant (the same date as mine to him), but not received by me until the evening of the 6th, stating that he had received the data requested of the Spanish consul at Key West in regard to the claim of Mr. Mackay, and requesting me to remit the data referred to in Mr. Foster's note of the 11th of September last, in order to examine and reach an agreement in respect to the amount of the said claim. I also inclose herewith a copy and translation of the minister's note. I at once prepared a statement showing the amount of all the said cattle tax collected by the Spanish consul, based upon the Department's No. 127 to me of 12th January, 1883 (see statement which accompanied it as to number of cattle shipped), and Nos. 74, 88, 184, and 220, to Mr. Foster. These instructions appear to be the only ones in the legation bearing upon the amount of tax collected, but desiring to have my statement complete, and wishing to hand it to the minister of state so soon as possible, I deemed it proper to send you a telegram yesterday * * * asking if there were further claims to be presented.

I also beg to inclose herewith a copy of my statement. I have not as yet handed it to the minister of state, and will not do so until I receive your reply to my telegram above referred to.

I have, &c.,

DWIGHT T. REED.

[Inclosure 1 in No. 318.]

Mr. Reed to Mr. Elduayen.

LEGATION OF THE UNITED STATES,
Madrid, April 4, 1885.

EXCELLENCY: In the note which your excellency addressed to this legation on the 2d of October last, relating to the collection by the Spanish consul at Key West of excessive charges on cattle shipped from that port to Cuba by citizens of the United States, your excellency was pleased to state that urgent new orders would be sent to said consul to remit without delay the necessary information as to the amount thus unjustly collected, with a view to return the same to the interested parties, and also that so soon as the said information was received your excellency would inform this legation thereof, and also of the corresponding action in regard thereto.

The substance of your excellency's note having been duly transmitted to Washington, and the Department of State having been informed that the Spanish consul at Key West transmitted to your excellency on the 20th of December last a report containing the information requested of him, I am instructed to recall your excellency's attention to the subject, and to express the hope that the money acknowledged by His Catholic Majesty's Government to have been unjustly collected will now be returned to the interested parties without further unnecessary delay.

I gladly avail, &c.,

DWIGHT T. REED.

[Inclosure 2 in No. 318.—Translation.]

Mr. Elduayen to Mr. Reed.

MINISTRY OF STATE,
Madrid, April 4, 1885.

MY DEAR SIR: I have the honor to inform you that the data requested of the Spanish consul at Key West in regard to the exportation of cattle to the island of Cuba, to which the claim of Mr. Mackay, a merchant of that place (Key West), refers, has

been received in this ministry, and if you will be good enough to remit the data mentioned in the note of the minister plenipotentiary of the United States of the 11th of September last, they may be examined and confronted in order to reach an agreement with respect to the amount of said claim.

I avail, &c.,

J. ELDUAYEN.

[Inclosure 3 in No. 318.]

Statement showing the amount of tax collected by the Spanish consul at Key West, Fla., on cattle shipped from that port to the Island of Cuba.

Name of vessel.	Destination.	Date of shipment.	Number of head.	Rate of tax per head.	Total collected.
Alabama.....	Havana	Apr. 22, 1882	451	\$0 40	\$180 40
	do	Apr. 29, 1882	496	40	198 40
	do	May 2, 1882	500	40	200 00
	do	May 6, 1882	450	40	180 00
	do	May 12, 1882	496	40	198 40
	do	May 19, 1882	495	40	198 00
	do	May 26, 1882	526	40	210 40
	Sagua la Grande.....	May 30, 1882	442	40	176 80
	Havana	June 4, 1882	422	40	168 80
	Sagua la Grande.....	June 8, 1882	496	40	198 40
	Havana	June 13, 1882	460	40	184 00
	do	June 16, 1882	516	40	206 40
	do	June 22, 1882	516	40	206 40
	do	June 29, 1882	416	40	166 40
	Sagua la Grande.....	July 3, 1882	499	40	199 60
	Havana	July 5, 1882	500	40	200 00
	Cardenas.....	July 12, 1882	480	40	192 00
	Sagua la Grande.....	July 18, 1882	486	40	194 40
	do	July 24, 1882	502	40	200 80
	Havana	Aug. 1, 1882	516	40	206 40
	do	Aug. 7, 1882	500	40	200 00
	do	May 8, 1883	498	40	199 20
	do	May 14, 1883	500	40	200 00
	do	May 19, 1883	481	40	192 40
			11, 644		4, 657 60
Arietes.....	Havana	Dec. 2, 1881	100	40	40 00
Habanero.....	Nuevitas	Dec. 26, 1881	275	40	110 00
Alice Vane	Havana	Dec. 30, 1881	100	40	40 00
Palma	do	Apr. 1, 1882	97	40	38 80
Lucy P. Miller	do	July 4, 1882	284	40	113 60
	do	July 9, 1882	320	40	128 00
	do	July 11, 1882	320	40	128 00
	do	July 20, 1882	277	40	110 80
	Sagua la Grande.....	July 25, 1882	300	40	120 00
	Havana	Aug. 2, 1882	208	40	83 20
	Sagua la Grande.....	Aug. 9, 1882	300	40	120 00
	do	Aug. 14, 1882	299	40	119 60
	Gibaza	Aug. 22, 1882	289	40	115 60
	Sagua la Grande.....	Sept. 2, 1882	261	40	104 40
	do	Sept. 7, 1882	296	40	118 40
	do	Sept. 14, 1882	302	40	120 80
	do	Sept. 21, 1882	286	40	114 40
	Havana	Oct. 3, 1882	211	40	84 40
	do	Oct. 13, 1882	247	40	98 80
			4, 200		1, 680 00
Sarah Hall.....	do	Dec. 4, 1881	126	40	50 40
	do	Apr. 25, 1882	127	40	50 80
	do	May 14, 1882	130	40	52 00
	do	May 29, 1882	130	40	52 00
	do	June 8, 1882	130	40	52 00
	do	June 23, 1882	130	40	52 00
	do	July 9, 1882	130	40	52 00
	do	July 21, 1882	123	40	49 20
	do	Aug. 14, 1882	123	40	49 20
	do	Nov. 23, 1882	130	40	52 00
			1, 279		511 60

Statement showing the amount of tax collected by the Spanish consul at Key West, &c.—Cont'd.

Name of vessel.	Destination.	Date of shipment.	Number of head.	Rate of tax per head.	Total collected.
Guillermo	Nuevitas	June 20, 1882	450	\$0 40	\$180 00
	do	June 26, 1882	425	40	170 00
			875		350 00
Ellie Knight	Havana	Dec. 26, 1881	98	40	39 20
	do	Jan. 19, 1882	163	40	65 20
	do	Feb. 5, 1882	177	40	70 80
	do	May 9, 1882	324	40	129 60
	do	May 15, 1882	330	40	132 00
	do	May 24, 1882	326	40	130 40
	do	June 8, 1882	325	40	130 00
	do	June 12, 1882	325	40	130 00
	do	June 16, 1882	375	40	150 00
	do	June 23, 1882	325	40	130 00
	do	June 28, 1882	330	40	132 00
	do	July 23, 1882	324	40	129 60
	do	July 27, 1882	326	40	130 40
	Sagua la Grande	Aug. 1, 1882	330	40	132 00
	do	Aug. 15, 1882	313	40	125 20
	do	Aug. 27, 1882	310	40	124 00
	do	Sept. 26, 1882	300	40	120 00
	do	Nov. 10, 1882	160	40	64 00
	do	Nov. 19, 1882	255	40	102 00
	do	Nov. 27, 1882	300	40	120 00
	do	Dec. 17, 1882	324	40	129 60
			6,040		2,416 00
Mira A. Pratt	Havana	Apr. 30, 1883	207	40	82 80
	do	May 14, 1883	214	40	85 60
			421		168 40
Asa Eldridge	do	Feb. 27, 1882	130	40	52 00
	do	Apr. 11, 1882	129	40	51 60
	do	May 14, 1882	130	40	52 00
	do	May 20, 1882	130	40	52 00
	do	May 31, 1882	130	40	52 00
	do	June 12, 1882	130	40	52 00
	do	June 26, 1882	130	40	52 00
	do	July 8, 1882	130	40	52 00
	do	July 20, 1882	130	40	52 00
	do	Aug. 1, 1882	130	40	52 00
	do	Aug. 30, 1882	129	40	51 60
	do	Nov. 17, 1882	107	40	42 80
			1,535		614 00

RECAPITULATION.

Name of vessel.	Number of head.	Total collected.
Alabama	11,644	\$4,657 60
Arietes	100	40 00
Habanero	275	110 00
Alice Vane	100	40 00
Palma	97	38 80
Lucy P. Miller	4,200	1,680 00
Sarah Hall	1,279	511 60
Guillermo	875	350 00
Ellie Knight	6,040	2,416 00
Mira A. Pratt	421	168 40
Asa Eldridge	1,535	614 00
	28,566	10,626 40

No. 531.

Mr. Bayard to Mr. Reed.

No. 327.]

DEPARTMENT OF STATE,
Washington, April 9, 1885.

SIR: Referring to instruction No. 317 of March 10 last, in the matter of customs-dues at Barcelona on cargoes of old scrap-iron shipped to that port by Mr. F. B. Hamel, I now inclose a copy of a dispatch from Havana (and inclosures) showing Hamel's good faith. It is not easy to see how the legitimate Cuban origin of the goods could be more clearly established.

You will continue to urge the case on its merits.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 327.]

Mr. Williams to Mr. Hunter.

No. 140.]

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, March 19, 1885.

SIR: Referring to your instruction No. 35, dated the 26th ultimo, receipt of which was acknowledged the 5th instant, the same relating to the protest of Mr. Fernando B. Hamel against the collection of import duties at Barcelona on shipments of old iron from Havana, I have now the honor, for the purpose of demonstrating to the Department the good faith of this transaction on the part of Mr. Hamel, to inclose the following documentary evidence:

First. Inclosure No. 1 is a certificate, signed by me, of the fact of Mr. Hamel being inscribed in the register of American citizens kept in this office, from which it appears that he is a native of Louisiana, and was inscribed in said register on or about the 4th of January, 1871, in accordance with a general order from the government of the island requiring all foreigners to register at their respective consulates.

Second. No. 2 is a translation of the personal "cedula," defining his citizenship on the part of the authorities of Havana, issued by Don Florencio Garcia, alcalde of the dragones, district of this city, dated October 4, 1884, corroborating the preceding certificate from this office of his American citizenship.

Third. No. 3 is the sworn statement of Mr. Hamel, showing the place of his establishment to be at No. 311 Calzada de San Lazaro, in this city.

Fourth. No. 4 is the translation of the certificate issued, under date of the 11th instant, by Don Antonio Abudo, inspector and auditor of the customs of Havana, declaring that, upon examination of the record books of importations of the Havana custom-house, there does not appear ever to have been imported, either from Spain or elsewhere, any old iron, rope, or old metal, otherwise than some pig-iron which may have come as ballast into this port.

Fifth. No. 5 is a certificate signed by twenty-four different persons, such as railroad superintendents, foundry owners, steamship owners, and hardware dealers, all declaring that they have sold to Mr. Hamel old iron, copper, brass, and other old metals during the last ten years.

Sixth. No. 6 is the statement of Mr. Hamel, found to be correct with the books of this consulate-general, showing the invoices of shipments made to the United States from December 1, 1882, to December 11, 1884, the object of this document being to show that he is an exporter from, and not an importer of junk goods to, the United States.

In addition to the foregoing documentary evidence, I beg to inform the Department that, at the request of Mr. Hamel, I visited his place of business on Friday, the 13th instant. I found it extensive, there being several large yards attached where the junk gathered daily throughout the city by eight carts kept for this purpose, and the many rag-pickers, is dumped, picked, and separated for the several apartments used for assortment. Here there were scales for weighing and apparatus for breaking up the pieces of metal. There were separate rooms for the deposit of old metals, bones, hoofs, horns, and glue stock, and other rooms with packing and pressing machines to reduce the bulk of all scrap metals, rags, glue stock, and bones, to proper shipping condition.

He further requested me to examine his books of daily purchases and sales, to witness the different manual occupations of the establishment, which I did.

In this visit of examination I spent over one hour, and everything witnessed or inspected by me only confirms me in the belief that all of Mr. Hamel's statements in the premises are clearly and unequivocally based on good faith.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 2 in No. 327.—Translation.]

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, March 18, 1885.

I, the undersigned, consul-general of the United States of America at Havana, do hereby certify that Mr. Fernando B. Hamel was registered in the registry of citizens kept in this office, on or about the 4th of January, 1871, as follows:

No. 94. Fernando B. Hamel; age, thirty-three years; born in Louisiana; married; merchant; fourteen years in Cuba; residing, Industria street, No. 164; junk store, Marquez Gonzalez street, No. 2.

Witness my hand and official seal this 18th March, 1885.

[SEAL.]

RAMON C. WILLIAMS,
Consul-General.

[Inclosure 3 in No. 327.—Translation.]

Personal cedula for domiciled foreigners; folio, 75; year, 1884-'85; No. 774; province, Havana; district, Havana; Dragonos ward. In favor of Don Fernando B. Hamel y Nathan, native of United States; married; occupation, commerce; and resides, Reina street, No. 118.

HAVANA, *October 14, 1884.*

The alcalde,

FLORENCIO GARCIA.

Description—age, forty-five years; stature, tall; complexion, good; beard, close; particular marks, 1884, No. 1193.

[Inclosure 4 in No. 327.—Translation.]

Mr. Hamel to Mr. Williams.

HAVANA, *March 11, 1885.*

SIR: In reply to your several questions, I have to state that at my store, No. 311 Calzada de San Lazaro, there is a daily purchase, at wholesale and retail, of all kinds of goods embraced in the business of a junk store, such as old iron, metals, rope, canvas, rags, hoofs, horns, glue stock, &c., and that, at the office of Henry B. Hamel & Co., No. 2 Mercaderes street, I purchase, during certain hours of the day, goods of the above kind from planters, hardware dealers, and others, all to be delivered at the before-mentioned store; that I have never imported any of the above kind of goods from any foreign country; and, further, that no one else has done so up to this day, as stated in the accompanying custom-house certificate; that I purchase such materials from railroad companies, foundries, planters, hardware stores, and others, is proved by the accompanying certificate, signed by a number of parties representing such interests; and, that, instead of ever importing any of said goods, I, at all times, export them, and refer to the invoices that I have had authenticated at your office for said shipments according to the accompanying list.

Very respectfully,

FERNANDO B. HAMEL.

Subscribed and sworn to before me this 12th day of March, 1885.

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 5 in No. 327.]

I, Don Antonio Abudo, chief of bureau of first class, inspector of customs and auditor, do hereby certify that, as appears from the antecedents in this custom-house, after an examination made in the importation books of the same, there does not

appear ever to have been imported, either from Spain or elsewhere, any old iron, rope, or old metal with the exception of pig-iron, which may have been brought in bars as ballast by the vessels of various nations, and which have been landed as such, when necessary, declaring the same and paying the duties corresponding thereto.

At the request of Fernando B. Hamel, of this commerce, I issue this document, in testimony thereof, at Havana, March 11, 1885.

ANTO ABUDO.

[SEAL.] FERNANDEZ.

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, ———, ———.

I, the undersigned, consul-general of the United States at Havana, do hereby certify that Antonio Abudo, whose signature appears to the foregoing custom-house certificate, to which is affixed the seal of the Havana custom-house and countersignature of Fernandez, collector, is the contador or auditor of customs for this port, the proper officer to issue such certificates, and that, in my opinion, his statements are entitled to full faith and credit.

Given under my hand and official seal at Havana, this 12th March, 1885.

[SEAL.]

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 6 in No. 327.]

We, the undersigned, do hereby certify that, during the last ten years, we have sold to Mr. Fernando B. Hamel, owner of the junk store, Calzada San Lazaro, 311, old iron, copper, and metals.

And at the request of the party concerned we hereunto subscribe our names at Havana, this 6th March, 1885.

(Signed as follows:)

Marina & Cagigal; Manuel L. Izquierdo, superintendent Havana Railroad, 1874 to 1878; J. N. Odoardo, superintendent of Bay Railroad, 1870 to 1882, and superintendent of Western Railroad; J. Eale, superintendent-general of the Havana Railroad; Tijero Bros. & Co., hardware dealers; José Madierell; Nicolas Alvarez; Urquiola, Diaz & Co.; Uribarri, Isasi & Co.; Anto. Vilaseca, superintendent of the Bay Railroad; Castro, Fernandez & Co.; Alberdi & Lastra; Presa & Torre; Ramon de Herrera, pp. Ramon de Herrera; Domingo Abascal; Rodriguez & Co.; Gabriel Ramos; Prieto & Co.; Alvarez & Co.; Astobiza, Alonzo & Co.; Narciso Penamos; Luis Alum; Dominguez & Galan; Van Dewater & Co.

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, March 12, 1885.

I, the undersigned, consul-general of the United States at Havana, do hereby certify that the signatures to the foregoing document are the true and genuine signatures of Messrs. Marina & Cagigal, hardware dealers; Manuel L. Izquierdo, superintendent Havana Railroad, 1874 to 1878; J. N. Odoardo, superintendent of Bay Railroad 1870 to 1882, and superintendent of Western Railroad; J. Eale, superintendent-general of the Havana Railroad; Tijero Bros. & Co., hardware dealers; José Madierell, foundryman; Nicolas Alvarez; Urquiola, Diaz & Co.; Uribarri, Isasi & Co., hardware importers and dealers; Anto. Vilaseca, superintendent of the Bay Railroad; Castro, Fernandez & Co.; Alberdi & Lastra; Presa & Torre, hardware dealers; Ramon de Herrera, steamship owner; Domingo Abascal; Rodriguez & Co.; Gabriel Ramos; Prieto & Co.; Alvarez & Co.; Astobiza, Alonzo & Co.; Narciso Penamos; Luis Alum; Dominguez & Galan, hardware dealers and importers; and Van Dewater & Co., foundry. I further certify that the foregoing signatures were acknowledged in presence of the United States consular clerk at this place, whom I delegated to call at the place of business of each subscriber for that purpose, and that, in my opinion, the statements by them subscribed are entitled to full faith and credit.

Given under my hand and official seal at Havana, this March 12, 1885.

[SEAL.]

RAMON O. WILLIAMS,
Consul-General.

JOS. A. SPRINGER,
Consular Clerk.

[Inclosure 7 in No. 327.]

HAVANA, *March 19, 1885.**List of invoices.*

Name of vessel.	Class.	Date.	Destination.
City of Puebla.....	Steamer.....	Dec. 1, 1882	New York.
Eva H. Fisk.....	Bark.....	Jan. 16, 1883	Philadelphia.
Do.....	do.....	Jan. 19, 1883	Do.
City of Puebla.....	Steamer.....	Mar. 17, 1883	New York.
City of Washington.....	do.....	Mar. 31, 1883	Do.
Do.....	do.....	May. 5, 1883	Do.
City of Merida.....	do.....	June 16, 1883	Do.
British Empire.....	do.....	June 23, 1883	Do.
Julia Blake.....	Bark.....	July 13, 1883	Philadelphia.
Ada Carter.....	do.....	Sept. 15, 1883	Do.
City of Merida.....	Steamer.....	Oct. 6, 1883	New York.
Saratoga.....	do.....	Oct. 17, 1883	Do.
A. G. Jewett.....	Brig.....	Nov. 24, 1883	Philadelphia.
Conquest.....	Bark.....	Mar. 13, 1884	Do.
Do.....	do.....	Mar. 23, 1884	Do.
Ramon Herrera.....	Steamer.....	July 20, 1884	New York.
Eugenia.....	Bark.....	May 23, 1884	Philadelphia.
Ramon Herrera.....	Steamer.....	July 12, 1884	New York.
Newport.....	do.....	Aug. 20, 1884	Do.
Ramon Herrera.....	do.....	Oct. 4, 1884	Do.
Do.....	do.....	Oct. 4, 1884	Do.
Francisco Garguilo.....	Bark.....	Oct. 17, 1884	Philadelphia.
Do.....	do.....	Oct. 29, 1884	Do.
Newport.....	Steamer.....	Nov. 20, 1884	New York.
Do.....	do.....	Nov. 20, 1884	Do.
Saratoga.....	do.....	Nov. 27, 1884	Do.
Daring.....	Bark.....	Dec. 11, 1884	Philadelphia.

F. B. HAMEL.

No. 532.

Mr. Bayard to Mr. Foster.

No. 332.]

DEPARTMENT OF STATE,
Washington, April 29, 1885.

SIR: In continuance of former correspondence on the subject of the so-called cattle-tax exacted on exports from Key West, by the Spanish consul there, I have to inclose a copy of a letter from Messrs. McGrew & Small, attorneys of James McKay and other exporters, who have paid such taxes, making a request as to the mode or channel of the promised refunding of said taxes. The adoption of their suggestion lies, of course, with His Majesty's Government.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 332.]

*Messrs. McGrew & Small to Mr. Bayard.*WASHINGTON, D. C., *April 25, 1885.*

DEAR SIR: We have the honor to state that we represent the following-named persons whose claims against the Spanish Government for export duties on cattle paid by them to the late vice-consul of Spain at Key West, Fla., are and have been on file in your Department since April, 1883, viz:

James McKay, Tampa, Fla.; Jno. H. A. Roberts, Key West, Fla.; Gideon Lowe, Key West, Fla.; Manuel Acosta, Key West, Fla.; A. F. Tift, Key West, Fla.; George H. Bocker, Key West, Fla.

Duly executed protests from these parties against the payments of these illegal duties, showing the amounts paid by each, and powers of attorney from each party authoriz-

ing us to represent him and to receive the amount when refunded by the Spanish Government, are also on file in your department. Learning that arrangements are about to be completed for the payment of these claims, we have the honor to request that such payment may be made through your Department to us as the duly authorized attorneys of the said claimants, and not through the Cuban authorities or the Spanish vice-consul at Key West, Fla.

Very respectfully,

McGREW & SMALL.

No. 533.

Mr. Bayard to Mr. Foster.

No. 336.]

DEPARTMENT OF STATE,
Washington, May 6, 1885.

SIR: I inclose for your attention a letter dated April 30, 1885, from Mr. H. B. Plant, the president of the Savannah, Florida and Western Railway Company, complaining of the great annoyance and discouragement to the commercial and passenger traffic of the railways leading to the ports on the Gulf of Mexico caused by the system now enforced in Cuba requiring passports to be *visaed* by a Spanish consul from all persons arriving at a Cuban port. Many of those proceeding there for the first time are ignorant of the necessity of providing themselves with a *visaed* passport, and discover it only on arriving at the port of embarkation, and often too late to obtain one from Washington. They are, perhaps, also further deterred from pursuing their journey by the heavy fee of \$4 exacted for the *visé* in addition to the first cost of the passport.

The passport system having been found a serious obstacle to the modern mode of universal and rapid travel, is now practically and tacitly abolished in Europe, except where a military state of siege requires every traveler to be identified and vouched for. It is believed by this Government that our relations with Cuba are so peaceful and intimate that this restriction to trade and travel might now be removed without detriment to the interests of either nation and in fact to their mutual advantage. You are therefore requested to take an early opportunity to lay these views before the minister of foreign affairs, and to propose and urge that a clause should be inserted in the commercial treaty now pending between the United States and Spain abolishing the present system of passports, except possibly at such times when a state of siege or military operations for the national defense might require a more rigorous inspection of travelers arriving at Spanish ports. Should this suggestion be favorably received, you can forward at once to the Department the text of such a clause as drawn up either by yourself or at the Spanish foreign office, with a view, if necessary, to consultation here with the Spanish minister.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 336.]

Mr. H. B. Plant to Mr. Bayard.

SAVANNAH, FLORIDA AND WESTERN RAILWAY COMPANY,
New York, April 30, 1885.

SIR: In response to your request that I address you a letter on the subject of the passport system, which, although now generally abandoned by the nations of the world, is still rigidly enforced by the Government of Spain, whereby citizens of the

United States visiting Cuba are compelled to obtain such from the State Department at Washington, I would respectfully represent that such custom does prevail, and its practical operation causes great inconvenience, particularly to the citizens of the West and South who desire to visit Cuba, either upon business or pleasure.

You are probably aware that the citizens of the western and southern portions of the country, other than at the sea-coast cities, are, as a rule, unfamiliar with the restraints which have in the past been put upon travel by some foreign governments, and which are continued by Spain.

Within a short time several railways, leading to the ports in Florida situated upon the Gulf, have been opened for public use, and lines of steamers have been established, running therefrom to Havana, thereby opening a route direct to Cuba, other than via New York, which was formerly practically the only route of passenger communication between the two countries.

The attention of the people of the South and West having been called to this short line, they have naturally sought it upon trips of pleasure or business, and, in some instances, have been compelled on arrival at Key West to abandon the trips and return home, in consequence of their not having provided themselves with passports and being unable to spare the time necessary to procure them from Washington. Besides the delay necessary to obtaining the passport before starting on the journey, it is attended with very considerable expense, the fee being in the first place \$5, and that of the agent who obtains it generally about the same; to this add the fee of the Spanish consul at the port of departure, and it makes it a very considerable tax upon the traveler, whether on pleasure or business.

It is understood that the respective Governments of the United States and Spain are contemplating a new treaty of commerce, and the present seems to me to be a fitting time when an effort should be made on the part of the representatives of the United States for the abrogation of the old custom, requiring that all citizens of the United States be furnished with passports, which, in the hope of improved business relations between the two countries, should be regarded as an unnecessary and obnoxious exaction. Under the existing rules, persons without passports properly *visaed* are not permitted to land at Havana or depart therefrom. In my judgment, this onerous system proves itself a great inconvenience, and I believe it could be properly abolished without detriment to the Spanish authorities or impairment of the police regulations.

I have, &c.,

H. B. PLANT,
President.

No. 534.

Mr. Bayard to Mr. Foster.

No. 343.]

DEPARTMENT OF STATE,
Washington, May 28, 1885.

SIR: I inclose copies of dispatches from Havana, touching the imposition of a fine of \$500 upon the American bark Charles L. Pearson, by the customs authorities of the port of Cienfuegos, for a failure to have the manifest properly *visaed*. I also inclose a copy of instruction No. 61 of May 5 last, to Consul-General Williams, giving the views of this Department in the case.

You will endeavor to procure the remission of the fine on the ground of the absence of any fraudulent intent in the premises.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 343.]

Mr. Williams to Mr. Porter.

No. 160.]

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, April 23, 1885.

SIR: I have the honor to inclose the translated copy of a communication I sent to his excellency, the intendant-general of finance of this island, dated the 17th instant, in consequence of a fine of \$500 reported on the 14th instant, by our consul, Mr. Pierce of Cienfuegos, as having been imposed upon the master of the American bark

Charles L. Pearson of Boston, Mass., arrived at that port with a cargo of coal from Sunderland, England, because the manifest was not visaed by the local authorities in the absence of an appointed Spanish consul at the said port of her departure.

The captain was not aware that, according to the local custom laws of Cuba, at a port where there is no Spanish consul, it was exacted of him to have his manifest authenticated by the city authorities; and it is quite likely that the authorities of Sunderland were also as ignorant of this Cuban law as the captain himself.

I will keep the Department informed of the progress of this case.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 2 in No. 343.—Translation.]

Mr. Williams to Mr. Ruiz.

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, April 17, 1885.

EXCELLENCY: I have the honor to inform your excellency that the consul of the United States at Cienfuegos reports, under date of 14th instant, that the American bark Charles L. Pearson arrived at that port from that of Sunderland, England, has been fined in the sum of \$500 by the collector of the customs of Cienfuegos, for not having brought her manifest visaed by the Spanish consul at Sunderland, while in reality the Government of Spain as yet has appointed no consular officer at that port.

In consequence, the captain of this vessel has protested, under date of 13th instant, before the consul aforesaid, basing his action upon the fact that, upon clearing from the British custom-house, he was informed by the officers thereof that the Spanish Government had no appointed consul at that port, and that it sufficed, for his legal entry at the port of Cienfuegos, to present the clearance of the collector of customs of the port of departure of his vessel. These authorities did not inform him that any other measures were necessary upon his clearing from the port of Sunderland for that of Cienfuegos; undoubtedly for the reason that they themselves were not aware of the fact. Neither was the captain cognizant of the said requirement, because he had never seen it published that, in the absence of a Spanish consul, the local authorities should certify to his manifest.

Therefore, and in view of the many analogous cases which your excellency has decided, I have respectfully to ask that your excellency be pleased to declare the said fine of \$500 to be unfounded, instructing the collector of customs of Cienfuegos at the same time not to enforce the collection.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 3 in No. 343.]

Mr. Williams to Mr. Porter.

No. 174.]

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, May 13, 1885.

SIR: With reference to my dispatch, No. 160, of the 23d ultimo, notifying the Department of the imposition of the fine of \$500 on the master of the American bark Charles L. Pearson by the collector of the port of Cienfuegos for not having had his manifest visaed by the local authorities of Sunderland, England, her port of departure, I have now the honor to inclose, for the information of the Department, copy of my communication to the intendant-general of finance, which after several conferences with the view of obtaining the condonement of this fine, and, in accordance with the only terms of agreement that I was able to obtain from him in the settlement of this question, I addressed, and presented him in person yesterday. As you will be pleased to observe, the captain will have to deposit the \$500 with our consul at Cienfuegos, who, in consequence, will give bond to the collector of that port, leaving the case subject to the decision of the minister of the colonies, under hearing of the representations of our minister at Madrid.

According to paragraph 4, herein referred to, of the general ordinances of the customs of this island, the authority is only given to the minister of the colonies to condone, for reasons of equity, the penalties imposed for infraction of the laws and regulations of the customs.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 4 in No. 343.]

Mr. Williams to Mr. Ruiz.

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, May 11, 1885.

EXCELLENCY: With reference to the case of the American bark Charles L. Pearson, from Sunderland, England, with coal, which vessel arrived at the port of Cienfuegos on the 12th day of April last past, upon whose captain a fine of \$500 has been imposed by the collector of customs at the said port, for not bringing his manifest visaed by the local authorities of Sunderland, in the absence of an appointed Spanish consular officer there, I have now again to invoke your excellency's worthy attention, and to ask that, in view of the decision rendered heretofore in like cases, and in consonance with title 2, article 7, paragraph 4, page 11 of the General Ordinances of the Customs of this island, your excellency be pleased to order that the collector of customs of Cienfuegos shall accept the bond offered by the consul of the United States at that port, and secured by a money deposit by the master with him, the said consul, of like amount, to await decision of the question by his excellency, the minister of the colonies at Madrid, after hearing the representative of my Government.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 5 in No. 343.]

Mr. Porter to Mr. Williams.

No. 61.]

DEPARTMENT OF STATE,
Washington, May 5, 1885.

SIR: I have to acknowledge the receipt of your dispatch No. 160, reporting the imposition of a fine of \$500 upon the American bark Charles L. Pearson, of Boston, by the customs authorities of the port of Cienfuegos, for the failure to have her manifest properly visaed.

In reply, I have to say that the fine appears to have been correctly imposed, and it is not supposed the collector of customs at Cienfuegos had any discretionary authority to suspend compliance with the strict letter of the law; but the case is one where, on complete absence of intent on the part of the captain to evade the law, the element of *bona fides* should intervene as a matter of equity to save him from the penalty, and it is hoped that your appeal for superior clemency will be successful.

I am, &c.,

JAS. D. PORTER.

No. 535.

Mr. Porter to Mr. Foster.

No. 346.]

DEPARTMENT OF STATE,
Washington, June 3, 1885.

SIR: Referring to instructions No. 317, of March 10, and No. 327, of April 9, 1885, to Mr. Reed, in the matter of customs dues at Barcelona, on cargoes of old scrap-iron shipped to that port by Mr. F. B. Hamel, of Havana, I inclose a further statement on the subject from Mr. J. B. Hamel, of 4065 Aspen street, Philadelphia.

The metals sent from Cuba to Spain had all paid duty on entering Cuba in their original state, and the decision complained of requires a further onerous duty on the same material, and is certainly not equitable. You will urge the claim.

I am, &c.,

JAS. D. PORTER,
Acting Secretary.

[Inclosure 1 in No. 346.]

Mr. John B. Hamel to Mr. Bayard.

PHILADELPHIA, May 26, 1885.

SIR: In addition to the papers my firm of Havana have already sent to the Department, relative to a claim made by the custom-house of Barcelona, in Spain, against us, I inclose translation of the decision and the royal order cited in said decision. I respectfully request that Messrs. Foster and Reed be instructed by the Department to assist us to obtain justice.

A few words will state the case clearly. Fernando B. Hamel, a citizen of the United States, shipped from Havana to Barcelona several cargoes of old metals under the decree of Spanish Government of June 30, 1882, declaring the Antilles admitted to (gaboage) coasting trade with Spain, making all goods free excepting those known as colonials, which are sugar, tobacco, rum, &c., and does not include old metals, which were admitted at a small duty previous to the decree of 30th June, 1882. For more than a year the goods were passed as free of duty, when suddenly last September, without any previous notice, the custom-house at Barcelona, required our agent to pay the enormous duty of \$2,494 on an invoice of only \$8,200. Our friends protested and gave bonds, which they have since been forced to pay. The duty charged is one hundred per cent. more than if the goods were new and imported from the United States or England. We ask that if Mr. Foster cannot get the goods passed free that he endeavor to have them assessed at the duties that were paid previous to the decree of June 30, 1882, on the same old metals; this at least we cannot be refused in equity. We have over 500 tons in bond in Barcelona, and as they charge \$10.50 per ton, the total loss exceeds \$10,000. The goods all paid duty when imported new in Cuba.

Very respectfully, &c.,

JOHN B. HAMEL.

[Inclosure 2 in No. 346.]

[Translation.]

The general custom-house direction under date of 1st instant, says as follows:

"The general department of hacienda (treasury) under date of 17th March last, communicates to this department the following royal order:

"ILLUSTRIOUS SIR: In view of the appeal interposed by D. M. Canovas & Co., against the decision of the arbitral committee in the process of the Barcelona custom-house No. 5, 1885, we confirm the payment of duties on a lot of old copper proceeding from Havana that was presented to custom-house in declaration No. 28,987, 1884, considering that the freedom from duties pretended is only allowable on productions of the Spanish provinces of ultramar, determined by the law of 23d July, 1882.

"Considering that the old metals in question are not the production of Spanish provinces, but are generally unutilized parts of machinery and apparatus imported from England, United States, and other foreign countries, therefore subject to duties in the Peninsula according to the royal order of the 7th of January, last past, published in the Gaceta de Madrid 25th same month, His Majesty the King (that God save) has ordered that the decision against the protest be confirmed, and proceed to exact the duties imposed on the said copper as foreign product, by royal order."

"By royal order I advise you of the same for the corresponding effect and its fulfillment.

"God save your excellency many years.

"Barcelona, 15th April, 1885.

"MARIANO RUSTRA."

[Inclosure 3 in No. 346.]

[Translation of the royal decree of January 7, 1885.]

ILLUSTRIOUS SIR: In view of the petition of various custom-house commission merchants, ship-owners, and foundries, soliciting that the useless and unutilized pieces of machinery imported from the Spanish provinces of ultramar be considered as production of said provinces, and consequently be admitted free of duties on being imported in the Peninsula;

Considering that the law of commercial relations with the Spanish provinces of America of June 30, 1882, only established free duties on certain articles, production of said provinces;

Considering that the greater portion of the machinery referred to by the petition is imported in Cuba and Porto Rico from the United States and England for industrial or agricultural purposes;

Considering that the metals resulting from unutilized pieces of said machinery are not and cannot be considered as productions of the soil or industry of the Spanish Antilles; and

Considering that the difference of tariffs and economical and commercial estimates of revenue and administrative systems between the Peninsula and the aforesaid provinces makes it very difficult to except the coasting trade (*gabotage*) from the determined localities that are treated of, and might prejudice the interests of the treasury if said machinery was imported into Cuba and Porto Rico paying insignificant duties:

His Majesty the King (that God save) has determined to refuse the concession solicited. By royal order I communicate the same to you. God preserve you many years.

Madrid, January 7, 1885.

GRYU.

The DIRECTOR-GENERAL OF CUSTOMS.

No. 536.

Mr. Porter to Mr. Foster.

No. 349.]

DEPARTMENT OF STATE,
Washington, June 6, 1885.

SIR: Referring to instruction No. 343 of May 28 last, I now inclose a copy of a further dispatch from Havana in the case of the fine on the American barkentine, Charles L. Pearson.

I am, &c.,

JAS. D. PORTER,
Acting Secretary.

[Inclosure 1 in No. 349.]

Mr. Williams to Mr. Porter.

No. 183.]

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, May 21, 1885.

SIR: Referring to my dispatch 174, dated the 13th instant, in relation to the fine of \$500 imposed by the collector of customs at Cienfuegos on the captain of the American barkentine, Charles L. Pearson, for not having had the manifest of his vessel *visaed* in the absence of an appointed Spanish consul by the local authorities of Sunderland, England, the port of departure, I now beg to inclose for the Department's information a translated copy of the communication of the intendant-general of finance, dated the 13th instant, received on the 18th instant, in reply to my note to him of the 11th instant, by which you will please observe he accepts my proposition for the captain to deposit the money with our consul at Cienfuegos, who, in consequence will give the bond to the collector, pending the settlement of the dispute by our minister with the Government at Madrid.

A copy of my reply to this communication, dated the 19th instant, you will also please find herewith.

Accordingly I have instructed the consul of the United States at Cienfuegos, Mr. William P. Pierce, a copy of which instruction is inclosed, to give the consular bond and to remit the amount for custody in an approved sight draft to the order of the honorable the Secretary of State at Washington.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 2 in No. 349.—Translation.]

Mr. Ruiz to Mr. Williams.

INTENDANCY-GENERAL OF FINANCE OF THE ISLAND OF CUBA,
Havana, May 13, 1885.

In reply to the attentive communication you have addressed me under date of 17th April, ultimo, in relation to the fine imposed by the custom-house of Cienfuegos on the American bark Charles L. Pearson, for not having her manifest *visaed* and asking this intendancy to declare the said penalty to be unwarranted, I have the honor to inform you that it is impossible for me to accede to your petition, inasmuch as the said fine has been applied in accordance with the provisions of paragraph 1, article 121, of the ruling customs ordinances; but, in view of the desire expressed in your note of the 11th instant, orders will be given to the custom-house at Cienfuegos to admit the bond as you propose, and in due course the proceedings in this case will be transmitted to His Majesty's Government for decision, thus complying with the wishes expressed in your note aforesaid.

God guard you many years.

LUCAS GARCIA RUIZ.

[Inclosure 3 in No. 349.]

Mr. Williams to Mr. Ruiz.

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, May 19, 1885.

EXCELLENCY: In acknowledging receipt of and replying to your polite communication of the 13th instant, received yesterday, I can but express to your excellency my satisfaction at and appreciation of the conciliatory manner in which the general government of the island has proceeded towards bringing about an equitable settlement of the affair, arising from the fine of \$500 imposed by the collector of customs of Cienfuegos upon the American bark, Charles L. Pearson, for not having had her manifest *visaed* by the local authorities of Sunderland, England.

For your excellency's information, I beg to state that, under yesterday's date, I have instructed the consul of the United States at Cienfuegos to the end that, after the captain shall have deposited the amount referred to with him, he give his bond and remit the money for custody to the honorable the Secretary of State at Washington, until the receipt of the final decision of the Supreme Government of Spain, after hearing the representations of our minister at Madrid.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 4 in No. 349.]

Mr. Williams to Mr. Pierce.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, May 18, 1885.

SIR: I beg to transmit herewith the copy of a communication, dated the 13th instant, and received to-day from his excellency the intendant-general of finance, by which you will please observe that he would issue orders to the collector of customs at your port to receive your consular bond to respond for the fine on the Charles L. Pearson upon the deposit by the master with you of the \$500 till the matter shall have been settled in Madrid.

Upon the receipt from the master of the \$500 in Spanish gold, and after giving your United States consular bond to the collector of the port, in the terms accepted by his excellency the intendant-general, you will please remit the amount for custody in an approved sight draft, with explanatory dispatch to the honorable the Secretary of State of the United States at Washington.

I am, &c.,

RAMON O. WILLIAMS,
Consul-General.

No. 537.

Mr. Porter to Mr. Foster.

[Extract.]

No. 350.]

DEPARTMENT OF STATE,
Washington, June 8, 1885.

SIR: Referring to late instructions in the case of duties levied in Barcelona on a shipment of old iron from Havana by Messrs. Hamel & Co., * * * the question occurs whether the royal order of January 7, 1885, is a Treasury ruling interpreting existing law and applying it to a specific case under consideration, or whether it is in fact a new rule imposing a duty on what has not heretofore been dutiable. Mr. Hamel claims that it falls under the latter category. If so, it would be clearly unjust to make it retroactive and collect back duties on entries heretofore admitted free, and it would be equally a hardship to apply it in the case of shipments on the way before the new rule was promulgated in the place of shipment. Treasury rulings deciding the application of existing rules of law are of course within the competence of every Government, but even here their retroactive enforcement may involve great hardship, especially where the ground of the decision itself is so open to controversy as in this case.

I am, &c.,

JAS. D. PORTER,
Acting Secretary.

No. 538.

Mr. Foster to Mr. Bayard.

No. 319.]

LEGATION OF THE UNITED STATES,
Madrid, June 10, 1885. (Received June 23.)

SIR: Referring to instruction No. 312, of February 27th last, in regard to the Ocean Pearl, I am now informed by the minister of State that the fine imposed on that vessel by the custom-house of Matanzas, Cuba, has been remitted as to the part pertaining to the Treasury. I inclose copies of the correspondence on the subject. By reference to my note of acknowledgment it will be seen that while I recognize the spirit of equity which has marked the action of His Majesty's Government, I have expressed regret that it was not thought possible to remit the whole of the fine.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 319.—Translation.]

*Mr. Elduayen to Mr. Foster.*MINISTRY OF STATE,
Palace, June 5, 1885.

EXCELLENCY: In reply to your note of the 31st of March last, relative to the fine imposed on the captain of the American vessel Ocean Pearl by the custom-house of Matanzas, I have the pleasure to make known to your excellency that, as my colleague, the minister of ultramar, has informed me, said fine in the part which belongs to the treasury has been remitted.

I improve, &c.,

J. ELDUAYEN.

[Inclosure 2 in No. 319.]

*Mr. Foster to Mr. Elduayen.*LEGATION OF THE UNITED STATES,
Madrid, June 9, 1885.

EXCELLENCY: I have the honor to acknowledge the note of the 5th instant, in which your excellency informs me that your worthy colleague, the minister of ultramar, has condoned the part of the fine which belongs to the hacienda, imposed by the custom-house of Matanzas, Cuba, on the American vessel Ocean Pearl.

I hasten to recognize the spirit of equity which has marked the conduct of his Catholic Majesty's Government in this matter, and will take great pleasure in communicating the same to Washington. It is only to be regretted that the existing customs regulations prevent, in the opinion of your excellency's Government, the remission of the whole fine imposed.

I gladly embrace, &c.,

JOHN W. FOSTER.

 No. 539.
Mr. Bayard to Mr. Foster.

No. 353.]

DEPARTMENT OF STATE,
Washington, June 17, 1885.

SIR: Referring to instructions Nos. 343 and 349, of May 28 and June 6 last, in the case of the American barkentine Charles L. Pearson, it is proper to say that Mr. Pierce, United States consul at Cienfuegos, reports in his No. 142, of the 26th ultimo, that the amount of the fine in the case (\$500) has been deposited with him, and forwards a draft for \$456.62 of that amount for safe-keeping pending the diplomatic conclusion of the incident at Madrid.

It is hoped that your representations in the case will be successful.

I am, &c.,

T. F. BAYARD.

 No. 540.
Mr. Foster to Mr. Bayard.

No. 326.]

LEGATION OF THE UNITED STATES,
Madrid, June 19, 1885. (Received July 6.)

SIR: Referring to instruction No. 343, of the 28th ultimo, respecting the fine imposed on the American bark Charles L. Pearson by the customs authorities of Cienfuegos, I have to report that I have, by note of the 17th instant to the minister of state, applied to the Spanish Government for the remission of the fine, accompanied by a statement of the facts. The case shall continue to receive my attention.

I am, &c.,

JOHN W. FOSTER.

 No. 541.
Mr. Foster to Mr. Bayard.

No. 327.]

LEGATION OF THE UNITED STATES,
Madrid, June 19, 1885. (Received July 6.)

SIR: Referring to your numbers 327 and 346, relating to the case of Mr. F. B. Hamel against the custom-house at Barcelona, I have to report that I have executed your instructions by addressing a note to the

minister of state, of which a copy is herewith inclosed. When I shall have notice that my note and its inclosures have been sent to the minister of finance, I will seek a personal interview with the latter minister to press the case upon his favorable consideration.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 327.]

Mr. Foster to Mr. Elduayen.

LEGATION OF THE UNITED STATES,
Madrid, June 17, 1885.

EXCELLENCY: Under date of December 10 last this legation sent a note to your excellency asking exemption from duties which had been imposed on certain shipments from Havana, Cuba, of old or scrap iron and other metals, made by the American citizen Mr. F. B. Hamel, and imported at Barcelona. Your excellency was kind enough to refer that note to the minister of finance. I have since learned that the custom-house of Barcelona had been instructed to collect and had exacted the full duties on said shipments, the agents of the owner and the United States consul protesting against the payment thereof. The attention of the minister of finance having been personally called to the subject, your worthy colleague was so kind as to assure the chargé d'affaires of this legation that he would make a new examination of the subject, with a view, if possible, of ordering the return to Mr. Hamel of the duties paid by him under protest.

Meanwhile, the attention of my Government having been called to the exaction of the duties at Barcelona, upon a further examination of the case, with new facts furnished by the consul-general at Havana and by Mr. Hamel, the Secretary of State has instructed me to again bring the subject officially to the attention of your excellency's Government and ask for a revision of the case. To aid in this examination I inclose herewith a copy of a communication, and papers attached thereto, from the consul-general, showing that the articles in question had paid duties in Cuba, and that the owner had acted in good faith, and was regularly engaged as a junk dealer and not in importing the articles. In view of these facts, and of those submitted with the note of this legation of December 10 last, my Government thinks the articles ought to be considered as products of Cuba and so treated by the custom-house at Barcelona.

I also inclose a letter from Mr. John B. Hamel, of Philadelphia, showing the hardship of the duties collected under the circumstances, and suggesting that if it is not possible to obtain a return of all the duties paid, that the Spanish Government at the most should not collect more duty than that levied on old iron, &c., assessed previous to the decree of June 30, 1882, respecting colonial products.

I beg your excellency to be so good as to transmit the papers with the considerations herein set forth to the ministry of finance, in the earnest hope, on my part, that he may be able to conform to the wishes of my Government in affording relief to Mr. Hamel.

I improve, &c.,

JOHN W. FOSTER.

No. 542.

Mr. Foster to Mr. Bayard.

[Extract.]

No. 330.]

LEGATION OF THE UNITED STATES,
Madrid, June 24, 1885. (Received July 6.)

SIR: The ministerial crisis * * * may be better understood by some notice of the existing political parties in the countries.

The political parties of Spain may be divided as follows: (1) The Conservatives; (2) the Liberals; and (3) the Republicans. The Conservatives embrace the greater portion of the elements which were in-

strumental in re-establishing the Bourbon dynasty by placing the young King Alfonso XII on the throne, and to these are added the chief part of the former adherents of Don Carlos who have any participation in public affairs, that element having ceased to exist as an organized force in the country. Under the administration of this party the constitution of 1876, now in force, was framed. * * * In its ranks are to be found the extreme royalists and partisans of the temporal power of the Church of Rome. Under various ministries it controlled the Government from the advent of Don Alfonso in 1875 to 1881, and again returned to power in January, 1884, under the leadership of Sr. Cánovas del Castillo, who is recognized as one of the ablest of Spanish statesmen of the present century.

The Liberal party claims to be distinctively and uncompromisingly monarchical and loyal to the present sovereign, but seeks to harmonize these conditions with the progressive and liberal tendencies of European Governments. It carried on a warm contest with the Conservative party during the first years of Don Alfonso's reign, and after being reinforced by a section of the latter party under the lead of Martinez Campos, and other generals who had taken an active part in the restoration of the King, * * * the Liberals, under the leadership of Sr. Sagasta, were called to assume the Government in February, 1881. The party had attained to power by a combination of all the monarchical elements opposed to the Conservatives, and represented various shades of opinion and policies. Once in power, its leader found it impossible to satisfy all the elements which had supported him, and with the usual tendency to conservatism which the responsibilities of government bring with them, his administration failed to satisfy the more extreme Liberals, who organized a new party, known as the Dynastic Left. The programme of this new party embraced the re-establishment of the constitution of 1869, or a modification of the present constitution by the enlargement of the suffrage, greater religious liberty, the recognition of civil marriage, trial by jury, further guarantees to the press, and other reforms. This division of the Liberal party resulted in the overthrow of the Sagasta ministry in October, 1883, and the constitution of a cabinet framed by the Dynastic Left. But this cabinet was short lived, as it was opposed both by the Sagasta Liberals and the United Conservative party. In the apparent hopeless divisions of the Liberal elements, the King recalled the Conservatives to power under Cánovas, in January, 1884.

The third party in Spain is that of the Republicans. They represent a large minority in most of the cities and manufacturing centers, and are an important factor in the elections. But they exercise very little direct influence in legislative affairs, because of their internal differences, being divided into at least three distinct sections, with opposing details of policy, and with no concert of action among themselves.

The Liberal party out of power has had in the past year an opportunity to learn the necessity of union, and taking advantage of the general opposition awakened by the repressive measures of the present Conservative minority, was able last spring to effect a combination of all the elements opposed to the Cánovas Government, including both the Dynastic Left and the Republicans, and making the municipal elections held last month throughout the nation the occasion of a united demonstration, they agreed upon a list of candidates for the city councils or *ayuntamientos*, and were overwhelmingly successful in most of the cities. The result was a complete surprise to the ministry, and for a time it was thought they would be compelled to tender their resignations or make

a modification by the admission of less extreme men to the cabinet; but no change occurred.

These elections, however, greatly encouraged the Liberals, and have led them to agree with the Dynastic Left upon a platform to be the future policy of the united Liberals. Sr. Sagasta's opposition to the programme of the Left has been based upon the fact that it contemplated a constituent Cortes to adopt a new constitution or amendments of the present one—a step which he regarded as full of danger for the monarchical institutions of the country. He claims that all the measures referred to above as the distinctive reforms of the Dynastic Left can be carried out by legislation under the existing constitution. He has, therefore, accepted those measures in full, and pledged himself and his party to carry them out by legislative enactments should he be recalled to power. This reconciliation, coupled with the result of the municipal elections of last month, has given the leaders of the Liberal party great confidence in its early restoration to power. They alleged that the country has in unmistakable ways condemned the Conservative ministry; that the latter recognizes that it neither possesses the support of the nation nor the confidence of the King; that it precipitated the crisis of the 20th instant, making the King's proposed visit to the cholera district a pretext to escape from the difficult position in which it had placed itself by its own folly and bad government, and that its early fall is beyond any doubt.

I am, &c.,

JOHN W. FOSTER.

No. 543.

Mr. Foster to Mr. Bayard.

No. 332.]

LEGATION OF THE UNITED STATES,
Madrid, June 27, 1885. (Received July 13.)

SIR: The Spanish budget of receipts and expenditures for the fiscal year 1885-'86 has just been passed by the Cortes, and shows a total of estimated expenditures of \$179,429,378, and of receipts of \$174,502,876. Thinking that some details of these governmental expenses and sources of revenue would be of interest, I have prepared from the lengthy official publication the following abstract:

EXPENDITURES.

The royal family :

The King	\$1, 400, 000
The Queen	90, 000
The Princess of Asturias (heir apparent)	100, 000
The infanta Isabella (sister)	50, 000
The infanta Paz (sister)	30, 000
The infanta Eulalia (sister)	30, 000
Duchess of Montpensier	50, 000
Ex-Queen Isabella II	150, 000
Ex-King consort	60, 000

Total	1, 960, 000
-------------	-------------

The legislative bodies :

The Senate	185, 207
The Congress of Deputies	214, 450

Total	399, 657
-------------	----------

The public debt :	
Interest and sinking fund	\$54,834,687
Judicial charges :	
Judgments and other obligations	433,374
Pensions	9,929,363
Council of ministers :	
Prime minister and the presidency	43,850
Council of state	176,657
Total	220,507
Ministry of state :	
Diplomatic and consular service	643,032
Ministry and miscellaneous	285,380
Total	928,412
Ministry of grace and justice :	
Judicial	2,697,528
Ecclesiastical	8,491,692
Total	11,189,220
Ministry of war	30,854,723
Ministry of marine	8,780,112
Ministry of the interior :	
Telegraphs	1,613,010
Post-office	1,904,802
Prisons	799,916
Charities and public health	425,904
Miscellaneous	1,750,105
Total	6,493,737
Ministry of public work (fomento) :	
Public instruction	1,544,463
Agriculture and commerce	863,874
Public works	17,664,476
Miscellaneous	1,817,104
Total	20,889,917
Ministry of finance	4,260,665
Expenses of taxes and revenues	28,742,965

RECEIPTS.

The various sources of revenue are estimated as follows :

Tax on real property	\$36,000,000
Industry and trade	8,000,000
Transfers of lands, &c.	6,200,000
Consular fees	455,000
Nobility fees	140,000
Poll tax	160,000
Income tax	3,528,000
Railroads	2,200,000
Consumption tax	18,600,000
Customs	26,800,000
Stamps	9,000,000
Tobacco monopoly	28,000,000
Lotteries	15,400,000
Sugar production	229,000
Salt tax	240,000
Mines	1,871,000
State properties	5,049,000
Miscellaneous	12,630,000
Total	174,502,000

The official statement will be found in the *Gaceta de Madrid*, No. 176, June 25, 1885, on file in the library of the Department of State.

I am, &c.,

JOHN W. FOSTER.

No. 544.

Mr. Foster to Mr. Bayard.

[Extract.]

No. 333.]

LEGATION OF THE UNITED STATES,
Madrid, June 29, 1885. (Received July 15.)

SIR: I transmit herewith a copy and translation of a note from Baron Blanc, the minister plenipotentiary of Italy resident in Madrid, with which he incloses his decision as arbitrator in the case of the American bark *Masonic*, which was submitted to him by this legation and the minister of state of Spain, on behalf of the two Governments, to adjudge the amount to be paid by the Spanish Government to the owner of said vessel on account of its seizure and confiscation by the authorities of Manila.

I also inclose a copy and translation of the arbitral decision, from which it will appear that Baron Blanc has adjudged that the Spanish Government shall pay to the owner of the *Masonic* the sum of \$51,674.07.

I also transmit a copy of my note to Baron Blanc, acknowledging the receipt of his decision, with an expression of my appreciation of the promptness and impartiality of his action, and reserving to transmit the more formal recognition of his services by my Government after you have been informed of the decision.

By the terms of the agreement of arbitration, the amount of the award, with interest at 6 per cent., is to be paid in Washington within six months from the date of the decision of award.

This equitable and satisfactory result confirms in the fullest manner the justice of the position assumed and maintained for the past six years by our Government that the original seizure of the *Masonic* was an outrage upon American commerce, and that the prolonged refusal of the Spanish Government to make a diplomatic settlement of the case was a continued wrong and injury to the claimant. I am happy also to note that it is a confirmation of the wisdom of the course pursued by me with the Spanish minister of state in November last in insisting that the claim must be paid by Spain without further delay, and that if a friendly agreement as to the amount due could not be reached, that that question should be submitted to arbitration.

I suppose the original decision of award should be deposited in the Department of State, but will await your instructions on this point.

* * * * *

Suggesting that a proper recognition of the services of Baron Blanc be made by our Government,

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 333.—Translation.]

*Baron Blanc to Mr. Foster.*LEGATION OF ITALY,
Madrid, June 27, 1885.

EXCELLENCY: Referring to the notes addressed to me by your legation, dated February 28, March 3, April 20, May 30, and June 11 ultimo, in regard to the high commission which the Governments of the United States of America and Spain did me the honor to intrust to me, I fulfill the duty by sending to your excellency the arbitral decision rendered by me for the indemnity to be paid to the owner of the *Masonic*.

At the same time I address an identical communication to his excellency the minister of state of His Majesty the King of Spain.

Receive, &c.,

BLANC.

[Inclosure 2 in No. 333.—Translation.]

ROYAL LEGATION OF ITALY.

The undersigned, requested by a collective note of his excellency the minister of state of His Majesty the King of Spain and of the chargé d'affaires of the United States at Madrid, dated 28th February ultimo, in the name of the respective Governments, to decide in justice and equity, as arbiter, within a delay not exceeding six months, the amount of the pecuniary indemnity to be paid by the Spanish treasury to the owner of the North American vessel *Masonic* in virtue of the decreed sentence of the council of state of Spain of October 16, 1884, and in accordance with the damages and injuries duly proved by the claimant, has received from the high parties to form his decision the following documents:

From his excellency the minister of state of Spain the note of 30th May ultimo, containing appreciations in support of which are produced as proofs three documents, among which is an account of losses and damages claimed by the owner of the *Masonic* by way of compromise and without proofs, the 6th August, 1883, and amounting, including interest, calculated up to August 7, 1883, to \$49,256.59; which claim his excellency the minister of state, in the same note of 30th May, taking as a basis the two other documents produced by him as proofs, that is to say, the *expediente* prepared in the ministry of state, and the sentence of the council of state of October 16, 1884, answers by an offer which he agrees to accept by way of equity, and notwithstanding the omission up to that time by the claimant of legal proofs with regard to the value and profits of the vessel, an offer amounting to \$9,354.32, including interest calculated up to August 7, 1883.

From his excellency the minister of the United States the notes of April 20, May 30, and June 11, containing appreciations, in support of which are produced as proofs seventeen documents, the knowledge of which has been offered at the same time to the Spanish Government; documents recapitulated besides in a memorandum which concludes with an account of the losses and damages claimed in strict right as being proved to have been suffered by the owner of the *Masonic* through the seizure and embargo of his vessel, this latter account amounting in all, with interest calculated up to the 15th June instant, to \$64,639.78.

From the conviction which the undersigned has acquired after a careful examination, the differences of appreciation, manifested in an equal spirit of equity and justice by the high parties as to the amount of indemnity to be granted, originate almost entirely from the fact that by reason either of the distance or of the different jurisdictions through which the procedures and negotiations have been followed, the documents produced as proofs were not in their totality in the possession of each one of the high parties when their respective appreciations were formed.

The undersigned, to discharge in its entire integrity the commission with which both Governments have honored him, had therefore to solve these differences of appreciation by basing his decision upon the documents produced by both parties as proofs.

The undersigned, having enlightened his conscience in the best possible way by the scrupulous verification of the proofs submitted in the arbitration, in virtue of the powers which have been conferred upon him by both Governments, declares in justice and equity that in conformity with the letter and spirit of the decreed sentence of the council of state of Spain of 16 October, 1884, according to his personal knowledge and estimation, the sum to be paid as an indemnity by the Spanish treasury to the owner of the *Masonic*, both as capital and interest up to the date of the present decision, is \$51,674.07.

Done at Madrid June 27, 1885.

BLANC.

[Inclosure 3 in No. 333.]

*Mr. Foster to Baron Blanc.*LEGATION OF THE UNITED STATES,
Madrid, June 29, 1885.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 27th instant, and of the arbitral decision of the same date accompanying said note, in which, in discharge of the commission which was intrusted to you by the Governments of the United States and of Spain, you decide that the sum to be paid as an indemnity by the Spanish Government to the owner of the American vessel *Masonic* as capital and interest up to the date of your excellency's decision, is \$51,674.07.

In acknowledging the receipt of these documents, I desire to express to your excellency my high appreciation of the promptness and impartiality with which you have discharged your trust, reserving a more formal recognition of the signal service, which your excellency has rendered the two Governments interested until the Secretary of State at Washington shall have official notice of your action.

I improve, &c.,

JOHN W. FOSTER.

 No. 545.
Mr. Foster to Mr. Bayard.

No. 334.]

LEGATION OF THE UNITED STATES,
Madrid, June 30, 1885. (Received July 15.)

SIR: Referring to your No. 336, of the 6th ultimo, in regard to passports in Cuba, I have to report that I deemed it advisable to defer action upon it until the expected commercial treaty negotiations had been entered upon; but on the 26th instant I received a note from the minister of state, of which a translation is inclosed, in reply to one I had addressed to him on the 31st of March, 1884, on the subject of the annoyances and injuries suffered by Americans visiting Cuba from the passport system enforced in that island. A copy of my note referred to was transmitted to the Department in my No. 199, of April 1, 1884. The substance of the minister of state's reply is that no complaints have ever been presented by the consul-general at Havana to the governor-general, and that if they had been presented they would have received prompt attention. It may be well to forward a copy of the minister's note to Consul-General Williams for his information.

In view of the receipt of this note, I thought it opportune to act upon your instruction, No. 336, and I have accordingly sent to-day to Sr. Elduayen a note, of which a copy is inclosed. As soon as the treaty negotiations are formally entered upon, I will follow up the subject by asking for the insertion of a stipulation providing for the abolition of the passport system in Cuba, and I will not fail to give you prompt information of the views of the Spanish Government when made known to me.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 334.—Translation.]

*Mr. Elduayen to Mr. Foster.*MINISTRY OF STATE,
Palace, June 25, 1885.

MY DEAR SIR: With the data before me which my colleague, the minister of ultramar, has communicated to me, I am to-day able to reply to the note which your excellency was pleased to address to me on the 31st of March of last year, in which you set forth the annoyances and injuries which, according to your reports, resulted to citizens of the United States in Cuba from the manner in which the laws and regulations respecting passports are there carried out.

From the data sent by the governor-general of said island, to whom an account was given of your excellency's note to which the honor belongs to me to reply, it appears that if annoyances and injuries do really result to the citizens of the United States who visit Cuba by requiring them to observe the formalities prescribed in the legislation concerning passports, it is also entirely certain that at no time has the consul of the United States in Havana addressed himself to the governor-general, setting forth these inconveniences, nor does it appear that the interested persons have resorted to him on their part with any request on this subject which has been unjustly denied.

This declaration is founded upon the fact that, notwithstanding the active steps taken by the superior authority of Cuba, no data has been found which show that the consul of the United States has ever sought to put himself in accord with those authorities in order to reach the most equitable legal means of modifying, in so far as was possible, the demands and restrictions which the laws controlling the subject of passports establish both for citizens as well as foreigners.

The system has been in operation for a period of many years and continues to be, without having up to the present occasioned any complaint on the part of other Governments whom its existence might affect; and it certainly cannot be concealed from the intelligent judgment of your excellency that the carelessness which the persons interested are accustomed to show is due in great measure to the steamship companies, who omit to inform them of the formalities which are to be observed in this matter in the island of Cuba.

But, in spite of this, it is not to be doubted that if the authorities and consuls of the United States would be careful to inform their citizens of the requisites with which it is indispensable for them to comply, the annoyances and injuries would not be experienced of which your excellency treats in the note to which the honor belongs to me to reply.

Besides, the imputations are especially to be considered which are directed against the Spanish officials, who are accused of not wishing to inform travelers nor to affix the *visa* when so solicited, or that they do not accept American coin. It is evident that these are confined to particular cases, of which no knowledge exists in those offices, and in respect to which no resolution of a general character could be adopted, first, because no law exists that the shore authorities should inform foreigners who arrive in the country of the practices and customs which they have to observe, as well as in respect to the acceptance of American coin, because it is provided that the dues fixed for the legislation and issuing of passports should be paid in public stamps, and in the second place, no complaint having been produced against the refusal of the *visa* on said documents, it was not possible for the authorities to take any action in that direction.

On the other hand, as there naturally exist specified hours for business in all the offices of state, it would be very easy that an interested party might enter not at the proper moment, and that consequently he could not be attended to immediately.

Respecting the indication which your excellency makes in your note that by the continuance of this order of things it might happen that the highest American officials might be prevented from returning to their country in a given day if the neglect of some employé of the island interposed, your excellency will permit me to state to you that there is no information that the officials or subjects of a nation friendly to Spain, as is that which your excellency so worthily represents in Madrid, has at any time been withheld the consideration which is due them.

The Government of the United States ought to be persuaded that the worthy superior authority of Cuba will not fail to attend with all solicitude to any complaint which the North American consuls in the island may bring to his notice, and will proceed to impose the punishment which is due to the Spanish official who may be shown to have maliciously occasioned the difficulties to which your excellency refers in your note.

I improve, &c.,

J. ELDUAYEN.

[Inclosure 2 in No. 334.]

*Mr. Foster to Mr. Elduayen.*LEGATION OF THE UNITED STATES,
Madrid, June 30, 1885.

EXCELLENCY: I beg to thank your excellency for the note of the 25th instant, in which I am honored with a reply to my note of the 31st of March of last year respecting the annoyance and injuries which the consul-general at Havana reported to the Government at Washington citizens of the United States visiting Cuba were subject to on account of the laws and regulations respecting passports.

I do not think it necessary to weary your excellency by a detailed reply to the several points presented by your worthy colleague, the minister of ultramar. It may suffice to state that if the consul-general has not brought the complaints enumerated to the attention of the superior authority of Cuba, it is to be presumed that as the annoyances are the natural result, in great measure, of the system of rigid passport inspection, and that they can only be effectually remedied by the removal of the system, he thought it proper to report the facts to his own Government for such representation as it might think fit to make to the home Government at Madrid.

The friendly spirit in which your excellency's note is written and the intimation therein that the governor-general of the island would be disposed to listen with much consideration to the complaints which might be presented to him, strengthen me greatly in the belief I entertain that his Catholic Majesty's Government will give favorable attention to any suggestion which my Government may make with the object of avoiding for the future these annoyances. In this view of the subject I regard your excellency's note as sent to me at a timely moment.

Among other instructions which have been given to me by the Secretary of State in connection with the pending treaty of commerce between the United States and the Spanish Antilles, he has directed me to present the matter of the passport regulations of Cuba for consideration, in the hope that a stipulation may be agreed upon in that convention which will remove the present causes of complaint.

The right of the Spanish Government to adopt any just and necessary requirements in regard to passports was not questioned in my note, to which your excellency did me the honor to reply; but it is believed that the desirability of the relaxation or removal of the existing regulations has greatly increased of late years. In addition to the fact that the island is happily in the enjoyment of peace and good order, and that the growth of commercial relations with the United States has largely increased the communication between the two countries, a new state of things has lately come into existence which presents the question of passports in a fresh light to the two Governments. As a result of the great railroad development which has recently taken place in the States of the Union on or near the Gulf of Mexico, several railways leading to different ports in Florida have been opened up within a short time and lines of steamers have been established from these ports to Havana, thus furnishing short and rapid routes to Cuba in addition to that from New York, which has heretofore been almost the only passenger communication between the two countries. With the well-known salubrity and mildness of climate, the beauty of the scenery, and the social attractions of Cuba, by means of these new lines of railroads and steamships that island may be made the winter resort of tens of thousands of Americans, to the great pecuniary benefit of its inhabitants. But that your excellency may see that it is no exaggeration to say that the present passport regulations are a serious impediment to the realization of such a state of things, I beg to direct your attention to a copy of a communication accompanying this note, which the president of one of the railway lines has addressed to the Secretary of State on the subject of the great annoyances and discouragement to commercial and passenger traffic caused by the system now enforced of requiring passports visaed by a Spanish consul from all persons arriving at Cuban ports.

The passport system, having been found a serious obstacle to the modern mode of universal and rapid travel, is now practically and tacitly abolished in Europe and most parts of America, except where a military state of siege requires every traveler to be identified and vouched for. It is believed by my Government that our relations with Cuba are so peaceful and intimate that this restriction to trade and travel might now be removed without detriment to the interests of either nation, and, in fact, to their mutual advantage. I have been, therefore, instructed by the Secretary of State to take an early opportunity to lay these views before your excellency, and to propose and urge that a clause should be inserted in the commercial treaty abolishing the present system of passports. It had been my intention to reserve the question for the negotiations which I have been hoping, from day to day, would be entered upon, but in view of the reception of your excellency's note of the 25th instant, I have thought it opportune in acknowledging its receipt to submit the foregoing considerations.

I gladly, &c.,

JOHN W. FOSTER.

No. 546.

Mr. Foster to Mr. Bayard.

[Extract.]

No. 346.]

LEGATION OF THE UNITED STATES,

Madrid, July 8, 1885. (Received July 20.)

SIR: With my No. 333, of the 29th ultimo, I transmitted a copy of the decision of Baron Blanc, the Italian minister, in the case of the *Masonic*. In addition thereto the baron has given me a copy of his memoir concerning the reasons for the decision rendered by the arbiter as to the indemnity to be paid to the owner of the *Masonic*, which he has sent to his own Government to support his action in case it should be called in question by either of the parties interested. I have his permission to forward to you, which I do herewith in translation.

* * * * *

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 346.]

Memoir concerning the reasons for the decision rendered by the arbiter as to the indemnity to be paid by Spain to the owner of the Masonic.

I.—VALUE OF THE VESSEL.

In the account presented in 1883 by the claimant, without proofs and by way of amicable compromise, \$14,500 are claimed as the value of the *Masonic* when seized.

In the offers made by way of equity by his excellency the minister of state (note memorandum of May 30), the value of the *Masonic* is fixed at \$6,000.

In the account presented at the arbitration on the same date, of 30th May ultimo, by his excellency the minister of the United States, by way of strict right and the proofs, \$22,000 are claimed as the value of the *Masonic* when seized.

Among the documents in due form, according to the laws of the United States, presented to arbitration, those of disinterested origin in the claim prove that the building of the *Masonic*, done in 1864, cost, rigging and accessories not included, \$41,000; that the ship, on her departure from New York, was worth from \$23,000 to \$25,000, and, according to the most precise estimate, \$45 per register ton 539.80, viz, \$24,291, the rigging and effects being by themselves worth \$6,838.45, and the copper sheets covering the bottom, \$2,000; that her conditions of solidity have been certified as being in good order on the 16th of May, 1878, on her departure from New York, by the Bureau Veritas, which classed her A1.1, the register of the American Shipmasters' Association classing her on its own part A1.1½.

But after her forced detention at Manila (January, 1879) the *Masonic* had experienced damages which diminished her value. The cost of repairs of those damages has been estimated by Captain Nichols (Blanchard?) and by the Mate Genn, in their affidavits, and without other proof, at \$3,000, having reference to the current prices in the Hong-Kong docks; and by official information not produced at the arbitration, but stated by his excellency the minister of state to have been given by the *comandancia de ingenieros* of marine at Manila, where, according to the documents produced by the claimant, the repairs are more difficult and expensive, at \$20,000.

It appears that the vice-consul of the United States at Manila proposed to sell the ship; but that this proposition was expressly occasioned, not by the gravity of the damages, but by the wish to avoid her confiscation with the total loss of the value, on account of the refusal of the customs authorities to admit any protest or appeal before the fine should be paid, and on account of the impossibility on the part of the captain to pay the fine for want of money; besides, that proposition was not accepted by the captain, who affirmed, and the mate also, that there was no authority to sell.

For the appraisement of damages it does not seem conclusive that after the seizure and order for the sale issued by the administration of the Philippines, and against which the consulate of the United States, supported by his Government, openly presented a protest of nullity, the ship did not find a bidder at any price in the public auction

which took place, in regard to which, besides, no document was presented to the arbitration, nor have any documents likewise been exhibited relative to the final sale by the Spanish administration of the ship as wreck for \$1,141.90.

An official report, not produced at the arbitration, but declared by his excellency the minister of state as having been given by the *comandancia de ingenieros* of marine at Manila, appraises the ship at \$6,000, that is to say, less than the third of the sum appraised by the same *comandancia* for the repairs; however, this appraisement is expressly based upon the affirmation that the damages were not caused by bad weather, but by a condition of fundamental and real decay of the vessel.

It is unavoidable for the undersigned, in view of the above, to consider the offer of \$6,000 as being one of those which the Spanish Government makes upon its general declarations and before the production of contrary proofs presented, in fact, subsequently at the arbitration.

On the other hand, with respect to the claim of \$22,000, based on the appraisement of the damages at \$3,000, the opinion of the undersigned is that the proofs furnished by the claimant, not being unimpeachable as to the latter figure, and the claimant being liable to be considered as bound by the claim of \$14,500 made by him in 1883, the only one, according to the declaration of his excellency the minister of state of which the Spanish Government is officially aware, the appraisement of \$14,500 made upon the invention at the time the seizure took place, presented by the claimant in 1883 to the Spanish Government, and produced at the arbitration by his excellency the minister of state, remains a document for the benefit of Spain against the appraisement exceeding that amount.

In view, therefore, of the principles of equity and of the sense of conciliation which ought to prevail in an arbitral decision, the undersigned reduces the indemnity for the value of the ship to \$14,500. He does not adjudge any interest on that amount, for reasons to be set forth below.

II.—VALUE OF THE EARNINGS OF THE MASONIC.

The claimant appraises them at \$5,000 annually net. Whilst refusing that indemnity, in consequence of the reports which represented the ship as not being worth being repaired and unable to render profitable service, yet the Spanish Government admits in principle the verification of ordinary and reasonable earnings of a vessel in good condition and ready to go to sea.

The proofs produced in the arbitration having established that the *Masonic* was in a normal state, in good condition of service, and ready to go to sea after repairs which it has not been shown would have exceeded an ordinary character, the undersigned considers himself bound to determine the probable value of the earnings lost by the claimant on account of the seizure. It is certified by witnesses not interested in the claim that from 1874 to 1877 the net profits of the *Masonic* had not been less than \$5,000 a year.

The same valuation presented by the claimant has been incidentally charged by the Spanish Government as being exaggerated, noting that the price of the freights at the time of the seizure were lower than ever, a remark which would give to the earnings of the *Masonic* in 1879 a decisive importance for the valuation of the probable profits of the subsequent years.

The charter party, produced in authentic form by the claimant, proves that for the transportation by the *Masonic* from New York to Nagasaki, where it was bound, of 7,500 (16,500?) cases of petroleum, there was paid 47½ cents per case, say \$7,837.50. It is alleged, but not proved, that the claimant would have received besides a supplementary fee of 5 per cent., the customary commission, say \$391.87.

It is proved that Bursley, a New York merchant, on declaring that he considered the *Masonic* as a ship of good service, was negotiating to charter the *Masonic* back from the Philippines to New York, offering \$8 per ton of freight (50 per cent. greater than the register tonnage), say about \$6,500; it is alleged, but not proved, that the claimant would be entitled to the same 5 per cent. customary commission.

The voyage of the *Masonic* from New York to Nagasaki and back, feasible in one year, would therefore have paid, if the seizure had not intervened, from \$14,000 to \$15,000.

The valuation of the expenses, for a sailing vessel of 540 tons register, it does not seem ought to exceed the two-thirds of that amount.

The documents produced do not furnish the undersigned with data to modify, by reason of the oscillations of the prices of freights after the year the seizure took place, the valuation which would result from the above for the probable earnings of the following years.

In general, it does not appear unreasonable to admit that a well-classed vessel, and which has not reached the termination of her normal duration, produces annually 12 per cent. of her cost of construction.

The undersigned must therefore admit the annual payment of \$5,000 as net earnings lost from the 7th of May, 1879, that is to say, two months after the seizure, which took place on the 7th of March, a time deemed necessary for the repairs to be made at Hong-Kong, up to the date of the arbitral decision.

With regard to the interest on the annual earnings asked by the claimant from the date of the expiration of each year, it is stated, in opposition to this demand among others, in the note memorandum of the Spanish Government of 30th May ultimo, that the delays which have occurred in the settlement of this matter are chargeable to the claimant, who, bound to submit himself in his petitions to the administrative jurisdiction to the Spanish laws, refused at first to give the legal bond required for the proceeding instituted by Kerr & Co., at Manila, in the name of the captain of the vessel, before the council of administration of the Philippines.

On the other hand, it is established by the documents Nos. 1 and 2, produced by his excellency the minister of state—

That the decision of the council of state of October 16, 1884, confirms entirely the decision given on the 9th of June, 1882, by the sections of contentions of the council of administration of the Philippines, which had decided that, although the fact upon which the fine and seizure had been based, that is to say, the missing on board of 22 cases of petroleum mentioned in the manifest, should have been ascertained to be correct, which was not so (the cargo having been afterwards proved to be complete), the fine imposed and the seizure effected were in every case illegal, and that the owner of the *Masonic* was entitled to an indemnity for the damages and losses which he should duly establish to have been suffered by him.

That the grounds upon which the two decisions above mentioned are based imply the entire confirmation of the proofs of the facts and reasons of right furnished through a diplomatic channel since 1879 by the Government of the United States against the fine and the seizure.

That in 1882 the governor-general of the Philippines had officially acknowledged the reasons for the seizure to be unfounded; that excessive severity had been exercised towards a ship of a friendly nation bound to a port of a third power, and arrived by stress of weather without any intention of or attempt at a commercial operation at Manila.

That an indemnity was unavoidable, which could but increase with the delays; that an immediate solution was desirable, which was within the power of the Government; finally, that the refusal of the claimant to give a bond in the pending administrative procedure was admissible.

That, in fact, by royal order of 19 July, 1882, the claimant was excused from furnishing the bond.

That by the resolution of the council of ministers of the same epoch, the minister of ultramar was authorized to finally settle the question as he might deem it most opportune.

In consequence, the undersigned—

Considering the just regards due to the position of the claimant, represented by the Government of the United States as being a respectable citizen, almost ruined by the loss of his means of livelihood, and who, however, does not ask for compensation for losses which are not accurately appraisable during the past six years.

In conformity with the spirit of impartiality which has characterized the opinions of the Government of the Philippines and of the two administrative councils which have given their decision in the matter in a contentious way;

In conformity with the sense of high equity of the declarations of his excellency the minister of state, inasmuch as he admits in principle the 6 per cent. interest from the 7th March, 1879, for the cash capital which in equity and justice may bear interest, and inasmuch as in the offer of total indemnity made by the note of 30th May he includes the interest of the total capital which he found then proved;

Adjudges the interest asked for the net earnings capitalized at the end of each year from the 7th May, and therefore does not adjudge the supplementary interest for the value of the ship.

III.—EXPENSES OF TELEGRAMS.

The sum of \$250, admitted by the Spanish Government, is adjudged, besides the interest for six years at 6 per cent.

IV.—PAYMENTS MADE TO CAPTAIN NICHOLS.

The claimant asks \$3,443.41.

The accounts signed by Nichols prove payments made for \$1,967.20, of which \$484 are for expenses of return from Manila to New York, which the undersigned acknowledges ought to be admitted, and \$69 for wages, which must be excluded, as already embraced in the calculation of the net annual earnings. Neither does the undersigned

deem recoverable an account signed Nichols, amounting to \$1,258.20, for Nichols's journey from New York to Manila, made previous to the seizure, when Nichols was sent to take the place of the deceased captain.

Finally, the balance of the amount claimed on this item is rejected, as it is not established by proofs, the claimant declaring he has lost the vouchers.

On the other hand, the Spanish Government offers \$500; but the undersigned, inasmuch as the Spanish Government embraces in that amount salary which becomes inadmissible after the adjudication by the arbiter of the net earnings, does not think he ought to allow the claimant the benefit of said offer, and reduces the indemnity for this item to \$484, in addition to interest for six years at 6 per cent.

V.—EXPENSES PAID TO CAPTAIN GENN.

The claimant asks \$294 for wages and expenses incurred as a consequence of the seizure.

The wages cannot be admitted as recoverable; but the seizure having prevented Genn from returning to New York on board the *Masonic*, the sum of \$250, admitted by the Spanish Government for the journey back of Nichols, is adjudged by the undersigned for the return expenses of Genn; in addition 6 per cent. interest during six years.

VI.—CONSULAR FEES PAID.

The claimant asks \$83, an amount estimated by the minister of the United States not to be excessive, the consuls of the United States being authorized in such cases to charge for their services as notaries. However, as there is no proof that the whole amount of that was paid for the two consular documents produced before the arbitration, the indemnity is reduced by the undersigned to the \$25 offered by the Spanish Government, in addition to 6 per cent. interest during six years.

VII.—FEES TO THE LAWYERS OF NEW YORK.

The proof not being produced, the indemnity asked of \$1,500 is reduced to the \$500 offered by the Spanish Government. No interest has been asked.

VIII.—TRAVELING EXPENSES BETWEEN NEW YORK AND WASHINGTON.

In spite of the likelihood and moderation of the amount of \$360 asked, the difficulty of the proofs for such expenses, and the assurance given by the Government of the United States as to the honesty of the claimant, the undersigned does not think that he can deviate from the principle not to admit what is not proved by formal documents. For this item, as it is not admitted by the Spanish Government, the undersigned does not adjudge any reimbursement.

IX.—EXPENSES OF STAMPED PAPER AT MANILA.

The demand of \$25, admitted by the Spanish Government, is adjudged. No interest has been claimed.

No. 547.

Mr. Bayard to Mr. Foster.

[Extract.]

No. 372.]

DEPARTMENT OF STATE,
Washington, July 20, 1885.

SIR: The Department has learned with much gratification from your No. 333, of the 27th ultimo, of the final disposal of the claim against Spain growing out of the seizure, detention, and sale of the American bark *Masonic* by the authorities at the Philippine Islands, more than six years ago. The decision of the arbitrator, Baron Blanc, is equitable and satisfactory, and I take pleasure in sending you herewith, for

delivery to the baron, a letter expressive of this Government's appreciation of his services.

* * * * *

Your supposition that the original decision of award should be deposited in the Department of State is correct, and you are instructed to cause it to be forwarded by the first convenient opportunity.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 372.]

Mr. Bayard to Baron Blanc.

DEPARTMENT OF STATE,
Washington, July 20, 1885.

EXCELLENCY: It was with much gratification that this Government learned, through General John W. Foster, the United States minister at Madrid, of the final and equitable disposal of the claim against Spain of the owners of the American bark *Masonic* by your decision as arbitrator appointed by the two Governments to determine the amount of the indemnity to be paid by the Spanish Government.

I take great pleasure in assuring you of the President's high appreciation of your services in this matter, which, as on a former well-remembered occasion, have been so effective in bringing to a prompt and satisfactory conclusion questions of controversy between the two Governments.

I improve, &c.,

T. F. BAYARD.

No. 548.

Mr. Foster to Mr. Bayard.

No. 361.]

LEGATION OF THE UNITED STATES,
Madrid, July 22, 1885. (Received August 4.)

SIR: I transmit herewith a note from the minister of state of the 20th instant, informing me, by direction of the King, that His Majesty's Government considers the award of the Italian minister in the case of the *Masonic* as binding and without appeal, and that the necessary measures will be taken to make the payment in the manner agreed upon.

I also inclose a copy of my acknowledgment thereof, in which I state that I have no doubt I will be authorized by you to make a similar declaration on the part of our Government.

Soliciting your instructions on this point,

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 361.—Translation.]

Mr. Elduayen to Mr. Foster.

MINISTRY OF STATE,
Palace, July 20, 1885.

EXCELLENCY: I have the honor to make known to your excellency that in view of the arbitral decision rendered by the minister of Italy at this court under date of June 27 last, concerning the pecuniary indemnification which the Spanish treasury has to pay to the proprietor of the North American ship *Masonic*, and the Government of His Majesty considering that said decision is binding and without appeal, the King, my august sovereign, has deigned to direct that it be so stated to your excellency, and meanwhile the necessary measures may be taken in order that the payment be made in the manner agreed upon.

I improve, &c.,

J. ELDUAYEN.

[Inclosure 2 in No. 361.]

*Mr. Foster to Mr. Elduayen.*LEGATION OF THE UNITED STATES,
Madrid, July 21, 1885.

EXCELLENCY: I have the honor to acknowledge your excellency's note of yesterday, in which you state that His Majesty the King has deigned to direct that I be informed that the arbitral decision rendered by the minister of Italy in the case of the Masonic is regarded as binding and without appeal, and that the necessary measures be taken for the payment in the manner agreed upon.

I will have great pleasure in communicating this satisfactory information to my Government, and I have no doubt that I will be authorized by it to make, on its behalf, a similar declaration to your excellency.

With sentiments, &c.,

JOHN W. FOSTER.

No. 549.

Mr. Foster to Mr. Bayard.

No. 364.]

LEGATION OF THE UNITED STATES,
Madrid, July 23, 1885. (Received August 10.)

SIR: After a lengthy discussion in both Chambers, the budget of Cuba for the fiscal year 1885-'86 was voted by the Cortes on the day before their final adjournment, and was published in the *Gaceta de Madrid* on the 17th instant.

The budget, as is usual, is preceded by a law conferring upon the ministry authority to adopt various important measures in connection with the finances of the island. It is authorized to revise the customs tariff in accordance with the law 1880-'81, which contemplates its consolidation and simplification.

The existing tariff was hastily framed in 1870, avowedly as a temporary measure, is possessed of very little classification or system, and contains over six hundred paragraphs of different dutiable classes.

Under the law of 1880-'81 the tariff of Porto Rico was revised in 1882, was reduced to two hundred and forty paragraphs, and greatly simplified and improved. A similar work has been projected for a long time past as to that of Cuba, but whether it will be realized the current year is doubtful.

Under the law of July 20, 1882, a gradual reduction of the duties of the first and second columns of the tariffs is to take place, so that in ten years all duties on Spanish or Peninsula products will be abolished, and a similar reduction is to be made in the *difference* between the third and fourth columns, so that in 1892 only the third column (on foreign products) will be in force. This reduction on the 1st of July amounted to 25 per cent. in the published tariff rates.

In the table which I embrace in this dispatch it will be noted that there is a deficit already anticipated in the estimate of receipts, which is provided for by a loan from the Bank of Spain of \$4,134,499, and authority is conferred for negotiating further loans if during the fiscal year the deficit should be still greater, or if war or extraordinary disturbance of public order should occur. For several years past there has been a constantly growing deficit in the budget, that for the year just closed being stated during the discussion in the Cortes to be \$10,000,000, but this was stoutly denied by the minister of the colonies (ultramar). At the end of each year this deficit is converted into a

floating debt. To take up the debt of this character which has accumulated for the past three fiscal years, the minister of ultramar was authorized to negotiate a loan of \$20,000,000, bearing 6 per cent. interest, redeemable in fifteen years, guaranteed by a pledge of the stamp-tax, which it will be noted is estimated for the current year at \$2,119,000. The present interest and sinking fund charge on account of the Cuban public debt is estimated at \$12,386,000.

When the new loans contemplated during the year are effected this charge will be increased to \$15,000,000; and the recognized debt, now about \$190,000,000, will be increased, to say, \$220,000,000. The interest charge will then be, per capita \$10, and the debt charge per capita \$146.66. It was repeatedly stated during the discussion of the budget in the Cortes that in a very short time the interest charge alone would consume the entire receipts of the insular treasury, and the only practicable remedy proposed to escape complete bankruptcy was the assumption of the Cuban debt by the peninsula or national treasury. But the minister of ultramar replied to this proposition, that in the present condition of the peninsula finances no minister would recommend it, that if recommended no ministry would approve it, and that no Cortes would vote it.

The next charge in importance in the budget is \$9,900,000 for the support of the army (22,000 men) and the navy; this item, added to the interest charge, constituting considerably more than two-thirds of the budget, and more than the total amount of the probable receipts for the year.

Efforts have been made to reduce the expenses of Government by the abolition of various offices, the reduction and discounting of salaries, &c., the total reduction, as compared with the preceding year, being \$1,300,000. The following are the estimates for the fiscal year ending June 30, 1886:

Total expenses	\$30,787,509
Total receipts.....	30,790,109

I inclose a copy of the law and budget in detail, from which I have compiled the following abstract:

EXPENSES.

General obligations:

Ministry of the colonies	\$96,800
Tribunal of accounts.....	115,500
Pensions, retired list, &c.....	1,290,000
Interest, sinking fund, &c., of public debt	12,386,608
Subsidy to steamers and railroads	417,690
Miscellaneous items	55,502

14,362,400

Discount on official salaries.....	125,650
------------------------------------	---------

14,236,750

Grace and justice:

Tribunals.....	466,696
Clergy.....	480,668
Closed accounts.....	38,116

985,474

Discount on official salaries	103,216
-------------------------------------	---------

882,258

War:

Total expenses of army, &c	\$8, 159, 756
Discount on official salaries.....	211, 098
	<u>7, 948, 658</u>

Marine:

Total expenses of navy	2, 057, 814
Discount on official salaries.....	87, 484
	<u>1, 970, 330</u>

Finance:

Total expenses of collecting revenues, &c	1, 380, 692
Discount on salaries.....	38, 635
	<u>1, 342, 057</u>

Interior:

Civil guard, police, &c	2, 732, 283
Public health	32, 450
Postal and telegraph communication.....	617, 854
Charities	93, 153
Prisons	236, 709
Secret vigilance expenses.....	25, 000
Secret fund, legation at Washington	20, 000
Espionage, American consulates.....	10, 000
Miscellaneous items.....	407, 169
	<u>4, 174, 618</u>
Discount on salaries.....	120, 177
	<u>4, 054, 441</u>

Public works:

Construction of roads, &c.....	270, 409
Ports, light-houses, &c.....	181, 812
Public instruction	286, 075
Miscellaneous.....	48, 331
	<u>786, 627</u>
Discount on salaries	51, 470
	<u>735, 157</u>

RECEIPTS.

Contributions and imposts:

Tax on real property, mines, &c.....	3, 122, 000
On industry, trade, and professions.....	2, 000, 000
On cattle	950, 510
On liquors.....	1, 000, 000
Titles of nobility and orders.....	10, 000
Domestic servants (freedmen)	25, 000
Railroad and steamship traffic.....	463, 000
Per cent. of municipal taxes, 5 per cent	363, 975
Miscellaneous.....	5, 000
	<u>7, 939, 985</u>

Customs:

Imports	9, 000, 000
Exports	3, 300, 000
Navigation	700, 000
Fines.....	100, 000
Miscellaneous	5, 000
	<u>13, 105, 000</u>

Stamp tax :	
Post-office	\$449, 100
Telegraphs	70, 000
All other stamps	1, 600, 000
	2, 119, 100
Lotteries	2, 663, 125
Properties of the state	307, 400
Unusual receipts :	
Product of loan to balance the present budget	4, 134, 499
Miscellaneous items	521, 000
	4, 655, 499

I am, &c.,

JOHN W. FOSTER.

No. 550.

Mr. Foster to Mr. Bayard.

No. 366.]

LEGATION OF THE UNITED STATES,
Madrid, July 25, 1885. (Received August 10.)

SIR: An important law was passed by the Cortes on the 6th instant, in regard to a general net-work or system of railroad construction in Cuba. By the "authorizations" voted last year by the Cortes (see my No. 233, of July 28, 1884), the ministry was empowered to modify the existing conditions for the construction of what is known as the Central Railroad of Cuba, but it was found that nothing could be accomplished by virtue of that authorization, and it was determined to pass a new law offering such advantages and conferring upon the minister of ultramar (the colonies) such powers as would secure the realization of this enterprise, which was felt to be one of the greatest needs of the island.

The lines to be constructed under this law cover the central and eastern districts or the provinces of Santa Clara, Puerto Principe, and Santiago de Cuba, and are to have an extent of 891 kilometers, consisting of eight lines or branches. The construction is to be commenced within four months from the date of the contract, and the entire work to be completed within six years. The Government guarantees the company 8 per cent. net profit upon the total capital invested, and the concession or charter is to continue for 99 years. The 8-per cent. guarantee will begin to run on each section which is completed, accepted by the Government, and put in operation, and is to be paid quarterly in gold. If the profits exceed 8 per cent. the surplus is to be divided equally between the company and the Government. The concession may be forfeited if one-fourth of the work is not completed in two years, or the half in three and a half years. The forfeiture having been decreed, the Government may grant a new concession under conditions specified as to the work done by the first company.

Within twenty days after the law is officially promulgated the minister of ultramar shall publish a call for proposals for the concession, to be presented within thirty days. This call shall set forth in full the terms or conditions upon which the concession is to be granted, and shall designate the maximum of the cost of construction upon which the 8 per cent. profit is guaranteed.

The proposals shall state (1) the reduction offered on the maximum

cost upon which 8 per cent. is guaranteed ; (2) other advantages offered to the Government over the published conditions ; (3) the security or financial credit of those who sign the proposals. Before any proposal is received a provisional deposit of 1,000,000 pesetas (\$200,000) must be made, and to secure the concession a definite deposit of 5,000,000 pesetas (\$1,000,000) in cash or public bonds at the lowest quotations. For further details as to the provisions of this law reference is made to the text, which is inclosed herewith.

The language of the law is that "the Government" (*el Gobierno*) will guarantee the 8 per cent. profits of the company. This expression gave rise to a debate in the Senate on the meaning of the words "the Government," and to remove any doubt it was proposed to substitute these words by either "the Spanish nation" or "the treasury of Cuba," but the minister of ultramar objected to any amendment as unnecessary, stating that wherever in legislation connected with Cuba the words "the government" were used they had no other application or meaning than the government or treasury of Cuba, and that, in order to remove all doubt on the subject, when the public proposals were asked as contemplated by the law, the terms or conditions under which they were to be made would state explicitly that it was the *treasury of Cuba* which guarantees the 8 per cent. profits. The minister also made a similar statement in the Chamber of Deputies after the law had been voted. These declarations have given great dissatisfaction to some of the most active advocates of this enterprise, and grave doubts are expressed whether it will be possible to secure the proposals of responsible capitalists when the concession is offered to public competition.

On the other hand, it is claimed that in some way the guarantee of the national or Peninsula treasury will be obtained, and it is upon this understanding that a number of French, German, and English syndicates are reported to be preparing to make proposals.

The minister of ultramar informed me two days ago that the law had been signed by the King, but that it would possibly not be published for two months, as it was desired to postpone the time for receiving the proposals until a more favorable state of the money market.

I am, &c.,

JOHN W. FOSTER.

No. 551.

Mr. Bayard to Mr. Foster.

No. 377.]

DEPARTMENT OF STATE,
Washington, July 25, 1885.

SIR: With reference to an instruction addressed to you by my predecessor on the 27th of February last, relative to the fine imposed at Matanzas, Cuba, upon the American vessel Ocean Pearl for alleged error in her manifest, and your reply of the 10th ultimo, copy of which was sent to the consul at Matanzas, I have now to inclose a copy of that officer's reply, dated the 8th instant, setting forth a view of the proceedings in this case, which may be well deserving of thoughtful consideration. It appears that the Matanzas office, which imposed the fine, was the one which, at the same time, recommended to the superior

office at Havana the remission of the half accruing to the Government, but not the moiety falling to the officers who imposed it.

The argument from this premise is obvious. The penalty was either just or unjust, and we have the most direct evidence that it was unjust, and a full recognition of the *bona fides* of the transaction from the very officers whose duty it was to administer the law for the benefit of the Spanish Government. But while the Government derives no benefit from a penalty admitted to be imposed without good reason therefor, the officers who make that admission are benefited. The penalty cannot be just as to one-half and unjust as to the other. As this question of the informer's moiety is one of those to be borne in mind in the pending negotiations, it is deemed reasonable to send you this instruction.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 377.]

Mr. Pierce to Mr. Porter.

No. 4.]

UNITED STATES CONSULATE,
Matanzas, July 8, 1885.

SIR: I have the honor to acknowledge receipt of your instruction No. 75, of the 25th ultimo, addressed to my predecessor, in respect to a fine imposed on the barkentine Ocean Pearl, with its inclosures, in which I am informed that the Spanish Government has remitted that part of the fine pertaining simply to the treasury, viz, \$1,000.

With respect to this, it will be sufficient to say that that part of the fine was remitted practically as far back as February, 1885, by the treasury department in Havana, and all the supreme Government seems to have done has been to confirm the action of the authorities there.

The contention of the consul-general and my predecessor was to include in the remission the part pertaining to the customs officials in this port, as well as the part relating to the Government. This seemed only fair and just in view of the facts that (1) the ten hogsheads were never on board of the vessel, having been left on the wharf at Philadelphia—a fact that all admitted here; (2) that in all similar cases no fines have ever been imposed; and (3) that inasmuch as no fraud was either attempted or executed against the customs regulations of Cuba, no penalty should have been incurred.

Under these circumstances, therefore, it is a matter of profound regret that in the remission the part relating to the customs authorities has not been included, because if a vessel coming here under the conditions under which the Ocean Pearl did can have fines successfully imposed upon it, there will be little security in the future in cases where supposed derelictions are legitimate subjects of controversy.

The facts of the case are already known to the Department, and are matters of record, and it is not necessary to refer to them, and, as a personal criticism on the action of the authorities, I will simply submit the following: that the customs rules and regulations are measures adopted by a Government to provide punishment in cases where these provisions have been violated; but in cases where no violation has been effected or attempted I take it they are inoperative.

Now, the pretext of this Government in this case is that (according to section 13, article 121) there appears on the manifest a certain number of articles which are absent in the cargo; in other words, a discrepancy appears, which constitutes a violation of a specific law, and in order to collect the prescribed fine they place a literal and arbitrary construction on the law. If this is allowed to prevail, vessels will frequently be subjected to fines in cases where a higher power than man causes the apparent dereliction. For example, a vessel encounters a storm and an unknown quantity of her cargo is swept overboard. The usual practice is in such cases for the master to make out a protest before the customs authorities in order that the discrepancies between the cargo and the manifest may be accounted for, and the fine impending as incurred in the article above referred to may not be enforced.

Why? Because no attempt has been made to commit a fraud. Is it any more a question of culpability on the part of the Ocean Pearl that she should have left her ten hogsheads on the wharf at Philadelphia than that they should have been swept overboard in a storm? In the latter case the master makes his protest, which may or may not

be true; nevertheless it is accepted. In the case of the Ocean Pearl the shippers make affidavit to the fact that the ten hogsheads were found on the wharf after the vessel left, before a notary public, which is certified to by the Spanish consul at Philadelphia. This was admitted here by the authorities themselves. Nevertheless a fine of \$2,000 was imposed, one-half of which is remitted by the Government of Spain, thus acknowledging the weight and truth of the evidence. If the supreme Government were so strongly impressed as to remit their part of the fine, on what grounds of equity do they insist on the payment of the other? This is all the more a legitimate subject of inquiry in view of the fact that the insular chief of the treasury, under whose exclusive administration and decision all these matters are referred, has it in his power under sections 11 and 12 of article 26 to accept the explanation or certificates of shippers or masters in cases where derelictions are subjects of inquiry and to order all the proceedings against these vessels to cease. It was he who accepted the explanation of the master and the certificate of the shipper, and recommended to the supreme Government at Madrid the remission of the treasury's half.

I cannot avoid the reflection that if he had been actuated by a conspicuous spirit of equity he would have ordered all proceedings to stop and the case would never have been referred to Madrid.

It is proper, in conclusion, to inform the Department that the penalty will eventually fall on the owners of the Ocean Pearl who have given the consignee a bond for the full amount of the fine incurred. Should the authorities here insist on payment, the bond will probably be transferred to them and execution will be enforced on the vessel whenever she enters a Cuban port.

I am, &c.,

FRANK H. PIERCE,
Consul.

No. 552.

Mr. Bayard to Mr. Foster.

No. 378.]

DEPARTMENT OF STATE,
Washington, July 29, 1885.

SIR: Referring to instruction No. 377, of the 25th instant, and other correspondence in the case of the fine of \$2,000 imposed last January, at Matanzas on the American bark Ocean Pearl, for the delivery of ten empty hogsheads less than the number of two hundred and forty-five called for by the manifest, I now inclose a copy of a dispatch on the subject from our consul-general at Havana, adverting to the condonement by His Majesty's Government of the moiety of the fine referred to, and intimating that the Matanzas employes of the customs may still continue to claim their \$1,000, the other moiety.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 378.]

Mr. Williams to Mr. Hunter.

No. 231.]

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, July 18, 1885.

SIR: I beg to inclose, for the information of the Department, the copy and translation of a communication, dated the 7th instant, which by order of his excellency the governor-general of the island, has been addressed by the political secretary of the island to this consulate-general, informing it of the decision of the Madrid Government in the case of the fine of the \$2,000 imposed last January, at Matanzas, on the American bark Ocean Pearl, for the delivery of ten empty hogsheads less than the number of two hundred and forty-five called for by the manifest.

It will be noticed that his excellency confirms what the Department has already

learned from our legation at Madrid, namely, that the King has been pleased to condone that part of the fine pertaining to the treasury of the island. But this decision would seem to leave the inference that the part claimed by the employés is yet uncondoned by the Government of Spain, and that in consequence they still remain with the right to collect their part. If such is the intention of the decision, it will be difficult to comprehend how the employés can collect from the Ocean Pearl their part, without appealing to the government of the island for the enforcement of the payment through the exercise of coercive measures, since they themselves possess no means to this end.

Again, the Government of Spain, having once renounced its own rights in the case, the legality of the rights of the employés becomes very questionable, since it must necessarily spring from out of that belonging to their Government, and the cause by relinquishment of the Spanish Government having ceased, the effects ought naturally to expire with it. Under these circumstances the Government of Spain could hardly enforce the pretensions of its employés with respect to the vessel when it does not maintain its own, or, reversing the terms of the proposition, were the vessel in this case a Spanish vessel in the port of New York, the Government of the United States would scarcely enforce the collection of the claim of its New York custom-house officers after having given up its own.

In the several interviews I had with the intendant-general of finance on this affair last winter, his excellency expressed himself each time very clearly in condemnation of the unjust interpretation of the Matanzas employés in their application of the customs regulations to this affair, and regretted it was not in his power to quash it entirely, for by paragraph 5 of article 121 of the present tariff, in case the difference of weight delivered had reached 10 per cent., the fine should have only been \$10.

The injustice of this fine will be at once apparent, if we take into consideration its disproportions to the amount involved. The value of the two hundred and forty-five empty molasses hogsheads, at their market price in Philadelphia, at the most, of \$1.50 each, would have amounted to \$367.50. At the same price the ten missing hogsheads would have been worth \$15, and the import duties on these, at 56 cents, only \$5.60; yet, for this trivial discrepancy of only ($\frac{10}{45}$) .04 per cent of the number of hogsheads manifested—a fine of \$200 for each empty hogshead has been imposed, and although the Government of Spain has abandoned its part, yet the Matanzas employés may still continue to claim their share of \$100 for each of the ten empty hogsheads delivered short.

In view of this possibility I beg to await the instructions of the Department.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 2 in No. 378.—Translation.]

Mr. Cassá to Mr. Williams.

INTENDANCY-GENERAL OF FINANCE OF THE ISLAND OF CUBA,
Havana, July 7, 1885.

By instruction No. 551 of the colonial ministry, dated the 9th of May ultimo, his excellency the governor-general has received the following royal order:

“EXCELLENCY: Referring to your excellency’s official note, No. 345, of 15th April ultimo, and to the proceedings (*expediente*) thereto annexed, relative to the fine imposed upon the captain of the American vessel called Ocean Pearl by the customs authorities of Matanzas, the King has been pleased to condone that part of said fine pertaining to the treasury.

“Which, by royal order, I communicate to your excellency for your information, and for its corresponding effects.”

And his excellency the governor-general having ordered compliance therewith on the 8th of June ultimo, I transcribe the same to you for your information, having likewise to inform you that under this date the necessary instructions have been given to the end indicated.

God guard you many years.

FRANCO. CASSÁ.

No. 553.

Mr. Foster to Mr. Bayard.

[Extract.]

No. 375.]

LEGATION OF THE UNITED STATES,
Madrid, August 3, 1885. (Received August 18.)

SIR: In my No. 364, of the 23d ultimo, I transmitted the financial budget of Cuba for the current year as passed by the Cortes. As a supplement to that dispatch, and as showing the present condition of Cuba as viewed by Spanish statesmen, I have thought it would be of interest to give some extracts from the debate which the consideration of the budget occasioned.

The discussion occupied a full week in each chamber; but I have confined my extracts to the speeches in the Congress of Deputies, as very much the same ground was traversed in the Senate. The financial condition of Cuba was naturally the prominent topic discussed, and a more wretched condition of affairs can scarcely be imagined in a responsible Government than that depicted in the speeches. Constantly growing deficits, temporary loans at more than 10 per cent. interest, the budget sought to be balanced by a bank loan in advance, the army four to six months behind in pay, rate of taxation more than double that of Spain, &c. Only two rays of hope could be given by the Government speakers: one was that the increased price of sugar might revive that industry, and the other that with the opening of the Panama Canal the harbors of Cuba might be made flourishing free ports and depots in transit.

Allusion was made to the fact that the Cuban debt, with the present deficit amounting to about \$220,000,000, was mostly held by foreigners, to whom had been given a pledge of the public revenues, and that unless the interest was kept up promptly the dishonor of Spain might become worse than that of Egypt. But all the speakers declared that the very existence of the nation depended upon retaining Cuba, because with its loss the prestige of the Spanish people would be gone. At the same time there were not wanting deputies who recalled the history of the loss of the Spanish possessions in America, declared that the same governmental policy was now being pursued, and warned the ministry that a similar result might attend Cuba.

* * * * *

The deputies from Cuba lamented the indifference with which the affairs of the island were regarded by the Spanish Government and people, citing the fact that the sessions of the Cortes, when the budget was being discussed, were often attended by seven to eight deputies only in a Chamber of over four hundred members.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 375.—Extracts from speeches of deputies.]

Debate in the Spanish Cortes on the Cuban budget for 1885-'86.

The debate on the Cuban budget in the Chamber of Deputies was begun on the 23d of June, and continued daily in afternoon and night sessions until the 30th.

Señor Tuñón, deputy from Matanzas, Cuba, opened the discussion in opposition to the budget. Reviewing the "authorizations" voted by the Cortes one year ago, conferring upon the Government full power to arrange the public debt, he said the ministry had done nothing to improve the debt, but, on the contrary, it had aggravated the situation, until now the interest charge exceeds the third part of the total net pro-

ductions of the island. As to the authority to negotiate a treaty with the United States, we have heard already too much of that subject; he would only say that the Government had gone so far with its concessions to the United States that he was almost disposed to congratulate Cuba on the failure of the treaty. The authority conferred to grant favors to sugars, tobacco, and other products of the island imported to Spain had not been used with any benefit. Of the 540,000 quintals of tobacco consumed in Spain, 300,000 come from the United States and only 120,000 from Cuba.

The thirteenth "authorization" for the completion of the Central Railroad is a very important measure for Cuba, but he inferred from the statements made by the minister of ultramar that the law he has introduced will not be realized because the Peninsula will not guarantee the enterprise.

The authority to negotiate a loan of \$20,000,000 to cover past deficits in the budgets is virtually an increase of the budget of expenses from \$30,000,000 to \$50,000,000. The interest charge is now \$12,804,298. With the interest on the loans of \$20,000,000 and \$4,000,000 it will be increased to \$15,000,000. The island cannot pay more than fifteen to eighteen millions of dollars of taxes, as the net value of its total exports is not more than thirty-five millions. It cannot bear this increased interest charge, and the deficits will be greater, and who will be able to administer its Government?

The ministry has done nothing to resolve the great problems of the island, notwithstanding the full powers voted by the Cortes last year, but, on the contrary, it aggravates the situation with this budget. Is it any wonder that the people of Cuba are without hope from the present Government?

Señor Garcia Lopez, of the committee having charge of the budget, replying to Señor Tuñón, said the Government had done all that was possible in the way of reducing the expenses, and cited the reduction of the army estimates from \$9,600,000 to \$7,900,000. He said the failure of the commercial treaty was not due to the Government, but to a radical change in the politics of the United States. The tobacco of Cuba is the dearest in the world, and hence the consumption in Spain of the tobacco of the United States, because of its lower price. A deficit of \$10,000,000 in the Peninsula budget causes no surprise, where it often occurs. Why should it occasion so much surprise in Cuba? The speaker attributed the present great depression of Cuba chiefly to the low price of sugar, but now that the price is improving we may expect better times there. The receipts for 1883-'84 were \$24,000,000, and the current year it will be as much, with \$20,000,000 of back taxes to be collected. The price of paper money in gold was 244 when the Government began last year to redeem it, and it declined to 218, although it has again advanced.

The minister of the colonies (ultramar), Count de Tejada, explained that the guarantee of the projected railroad extension is the treasury of the Island of Cuba, but the Spanish nation has a moral obligation to see that the guarantee is kept. He asserted that the receipts for the year just closed ought to reach \$24,000,000. In answer to an inquiry, he said there had been no commercial balance or statistics of commerce formed since 1863. "There is a long period of confusion and disorder in the treasury department of Cuba."

Señor Moret, late Liberal minister of the interior and formerly of ultramar, said that as Cuba had sent such large sums to the Peninsula in the times of its prosperity, the Peninsula ought to aid it in its times of adversity. He was of those who believed that the question of money is a political question, and the Spanish people will not pardon that Government which allows a question of money to break the ties of nationality. Cuba, to be released from her present situation, needs to be supported on the vigorous arm of her old mother, and this support we must render in order to give her treasury full freedom. He was one of those who never shall believe that Cuba can be separated from Spain—he believed it impossible; but if it should come, that day the sun will truly set on the Spanish dominions.

Señor Santos Guzman, of Havana (chairman of the committee on the budget), contrasted the present with former budgets, showing that taxation had been reduced from \$34,000,000 in 1883-'84 to \$27,000,000 (not including the four million loan). The failure to ratify the commercial treaty was brought about in part in the United States by the adherents of the celebrated Monroe doctrine, in combination with the great tariff monopolists, who fancy with the rejection of the treaty that they will bring ruin to Cuba, and, in the desperation of the Spaniards, that doctrine might be put in practice. He predicted great prosperity for Cuba with the opening of the Panama Canal, as it would become a great transit depot.

Señor Calverton, of Havana, called in question the receipts of the island for the year 1884-'85, as stated by the Government. He said the report for the first nine months showed that the receipts had been \$13,000,000 in gold and \$4,000,000 in paper—equivalent in gold to \$15,000,000—and for the entire year they could not exceed \$19,000,000. There will be a deficit of \$10,000,000. To present a budget based on such estimates as those submitted by the minister of ultramar is not to present a budget at all. A deficit in the Peninsula of \$10,000,000 is not so serious, as it is borne by 16,000,000 of people, but a deficit of \$10,000,000 in Cuba is another matter, as it has to be borne by

1,500,000. The tax in the Peninsula is \$10 per capita, but in Cuba it is \$20. The net value of the production of Cuba is \$35,000,000 or \$40,000,000, and the taxes are from \$27,000,000 to \$30,000,000.

To redeem \$1,200,000 of paper currency the Government had to borrow money at 10 per cent., besides exchange, commissions, &c.; that is, to pay one debt by contracting a greater one. In most countries the interest on the public debt remains with the inhabitants, but in Cuba the entire sum of \$12,000,000 goes abroad annually.

The economic condition of Cuba may have been somewhat influenced by the low price of sugar, but that alone never could have produced the present ruin of the island. It is occasioned by artificial circumstances, which the Government can remove; in fact, the impediments which the Government imposes, requiring the island to follow the antiquated régime, is the chief cause of its embarrassment. In Germany and France the Government is giving all possible encouragement to the production of sugar, whereas that of Spain is only imposing burdens and obstacles. The price of sugar in the Peninsula is 35 to 40 reales per arroba, while the planters of Cuba would be glad to get 20 reales; but they cannot send it to Spain because that market is closed to them by the high duties imposed. And the same policy is pursued as to tobacco.

Assimilation with the Peninsula and identity of laws is the remedy in great measure for the present evils of Cuba. It has no credit in the world because of its constant deficits. It must have the financial guarantee of the nation. In that way only can there be satisfactory consolidation of its debt, which now amounts to \$198,000,000.

Referring to the failure of the commercial treaty, he said that there was a marked inequality in the powers of the two Governments in the negotiation of the treaty, greatly to the disadvantage of Spain; that the latter was fully authorized not only to sign but to ratify the treaty, while on the part of the United States the ratification was subject to the approbation of the Senate.

The minister of ultramar, replying to the criticism of former speakers, said that the Government in its efforts to remedy the situation of Cuba had been contending against the triple plagues of the low price of sugar, the decline of the public credit, and the depreciation of private property. The Government could not work miracles. In seeking to make an arrangement of the public debt with the creditors, the latter have always asked not only the guarantee of the national treasury, but that the payment should be transferred to the Peninsula. Perhaps this may be done some day; but at present public opinion is not prepared for it; no minister of any party would dare to assume the responsibility of it; no minister of finance or cabinet would approve it, nor would the Cortes accept it.

If the Government should wait for equality of powers to negotiate a commercial treaty with the United States, there would never be a treaty, for the Executive of that country never possesses the power to ratify without the approbation of the Senate. The failure of the ratification may be attributed to the fact that the treaty was submitted to the Senate just after the Presidential election, and was really caused by the change of parties in the Government.

It must be borne in mind, in discussing the budget, that the customs receipts have been diminished by a 25 per cent. reduction of the tariff, and the *modus vivendi* with the United States, which abolished the differential flag duty, has also lessened the revenues. The deficits for the past three years have also to be provided for, amounting to \$20,000,000, to be covered by a 6 per cent. loan secured by the stamp tax. For this loan there will be an increased charge of \$2,000,000 by way of interest and sinking fund. The redemption of the paper currency begun by the Government has reduced the discount from 240 to 230. The national treasury has during the year sent \$6,000,000 to relieve the Cuban treasury. Surely the Government must have some credit for what it has done and is doing to relieve the financial situation of Cuba.

Señor Calverton, as to the proposed loan, was disposed to authorize not \$24,000,000 only, but \$100,000,000, if it would restore the social and economic life of Cuba; but what he did not wish was to load down Cuba with debts which were of no utility.

Señor Villanueva, of Havana, asserted that with the twenty-four million loan contemplated by the budget the Cuban debt would amount to between \$220,000,000 and \$230,000,000. Who could assume the charge of such an inheritance, or how could a basis for an adjustment be reached? The Government had shown little foresight as to the negotiation of the treaty with the United States, as it ought to have taken into consideration that a national election was pending, and that it might result in a change of Government there. He recalled the history of the events attending the loss of the countries of the American continent to Spain, when no party would acknowledge responsibility for the evils or seek a remedy, but matters were allowed to drift along without paying attention to complaints, until the two continents were lost and Spain was responsible for the event. The same indifference was being manifested in regard to Cuba. Do you wish that a similar event shall happen now?

Señor Duran y Cuervo, of Santiago de Cuba (of the committee) said: Spain will to-day aid Cuba, as it has done in past times, with the blood of its best sons to save the

nation. As it has spent its blood, it will also be ready to exhaust its treasury for the Antilles if it becomes necessary; but it would be neither noble nor patriotic to abuse this generosity; the time has not yet come for the nation to assume the Cuban debt. Something has been said outside this chamber about suspending payment of interest on that debt, but he did not believe there was any deputy who would approve such a proposition. What would be its result? The bonds are mostly in the hands of foreigners, and their Governments would demand the fulfillment of the pledge of the customs, and the Spanish nation would suffer a greater shame than Egypt.

Señor Armiñan, of Havana, said it was necessary to maintain a strong army in Cuba for many years, as the peace now existing was only an armed peace. But a notorious injustice is being done the army. How can you expect volunteers or enlistments in an army to which is due from four to six months' pay? Your discussion here of the army section of the budget is all "in the air," and without any practical result, for the army in Cuba is always in deficit. It has already lost three back payments entirely, and with present arrears it is likely to lose another. Have not the bondholders been receiving their interest punctually in gold while the regiments have not enough with which to buy their rations? I do not say that the interest obligations are not sacred, but they are obligations which may admit of delays; but the first necessities of life of the soldier will not admit of delays of any kind—the *stomach can't wait*.

If the financial system now pursued is continued, the day will come when the entire revenues will not be sufficient to pay the interest of the debt.

The people which at the cost of such great sacrifices discovered and peopled a new world will cease to be a nation if it allows that piece of soil, which we still preserve in America, to cease to be Spanish.

The minister of war, in answer to inquiry, stated that recruiting offices had been opened in Spain for the army in Cuba, but that up to the present only *three* volunteers have presented themselves in the Peninsula. It was now contemplated to let out the recruiting by contract.

Señor Labra, deputy for Porto Rico, formerly deputy for Cuba, had never entered upon the discussion of a budget under such bitter and sad feelings as now. Never was such indifference manifested. Here we have been discussing this important subject in the presence of only seven or eight deputies.

You may make the budget what you please, \$36,000,000 or even \$40,000,000; as Cuba can only pay eighteen or twenty millions, you will always have to increase the floating debt, until at last bankruptcy will come. And this is the road on which you are hastening Cuba. The situation of the island is grave, gentlemen deputies. Individual effort can do nothing; all should be united, and yet the deputies of Cuba are all divided.

Think, think much of the significance, on the one hand, of the failure of the treaty with the United States, and on the other of the appearance of filibusters. For prudential reasons he would not dwell upon this topic.

If we make no effort to prevent the loss of the island, we shall lose our prestige in Europe. It is dishonorable in a people to have reached the height of greatness to declare itself incapable of maintaining the Empire which its ancestors left it. A little while ago he was reading the great debates in the English Parliament during the war of Revolution in the United States, and he found them identical with those pronounced here. What happened to England? She lost the United States. But England corrected its errors and gave reforms to Canada.

The minister of ultramar, to correct the statements made as to deficits in past budgets and the inability of Cuba to pay the present one, presented a table of statistics to show that up to the 11th of June the collections for the fiscal year had been \$22,000,000. He said that all the financial troubles, the twenty millions deficits, the loans, and the debt, had their origin in the impious war which the island suffered seventeen years ago—the unhappy war of separation; thence came all the calamities of Cuba.

Senor Sagasta, ex-prime minister and recognized leader of the Liberal or Fusionist party said: If many nations of Europe are making great sacrifices to acquire colonies, the nation which has them ought to make great sacrifices to preserve them, and in this sense he believed and said that the Spanish nation ought to make all the sacrifices it can to maintain and preserve the island of Cuba. The day in which Spain can, in view of the state of its treasury and finances, arrange the debt of Cuba, it ought to arrange it, and the day in which it can give its guarantee for its loans, it ought to give it.

We believe that autonomy (in Cuba) is a danger, and we aspire to assimilation, approaching it with that prudence with which it is necessary to advance when grave matters are considered. But, gentlemen, what is assimilation? Why, assimilation is the constant aspiration toward equality of rights; but equality of rights with equality of duties. He did not understand that one of these could be demanded without admitting the other also.

As it appears that the treaty with the United States has failed, it is necessary to supply its place with tariff reforms, preparing Cuba for the opening of the Panama Canal, so that it may then be converted into a free port.

The minister of ultramar, again speaking, concurred entirely with the doctrines announced by the illustrious chief of the Fusionist party (Sagasta). In economic aid the limit is the possibility in the power of the forces of the country. In politics, assimilation by a prudent road, and if at the end of the road there is greater development of liberty, so much the better.

In the present moment it appears that the misfortunes of Cuba happily commence to diminish. He had the honor the day before to read a letter from an important official of the island announcing better times. Listen to the words of the last communication from the worthy captain-general. Is it not true, gentlemen deputies, that these words make hope to revive in the breast? "With the failure of the filibuster expedition coincides the increasing price of sugar. These events have created a favorable reaction. Gold has rapidly fallen six or seven points. Planters are encouraged; possibly credit may improve, now ruined both in and out of the country."

Señor Becerra, ex-minister of ultramar, said: If it were possible for Cuba to become free, liberty would be impossible for it; it would go from one decline to another, from one state of anarchy to another, until one race would exterminate its rival, or until Cuba would be annexed by the United States, a vigorous and industrious race, but much more harsh and less yielding than the Spanish race. There is no salvation for Cuba except by and through Spain; and I ought to add that there is no salvation for Spain if we lose Cuba. He and his political associates (the extreme Liberals) hoped to see the day when every decree published in the *Gaceta de Madrid* (the official paper) should be *ipso facto* applicable to Cuba and Porto Rico. While there are those who nobly and honorably advocate autonomy, there are also those defending these ideas who seek for the separation of Cuba from the mother country. If Cuba should cease to belong to Spain, it would become the depot of the negroes of the United States; it would be a means of the latter country freeing itself from those to whom it gave freedom. In giving full rights to Cubans, it ought to be assumed that on receiving those rights they would not employ them against the [mother] country.

Senor Portuondo, of Cuba, was one of those who had regarded the treaty with the United States as only an incomplete and partial solution of Cuba's embarrassments, but there were those who looked upon it as the cure for all its ills. But the treaty has disappeared; that hope has vanished. What now will you attempt? Have you no remedy? Nothing but to pray Providence to help us? Blessed be your faith! No; a remedy must be found.

No. 554.

Mr. Bayard to Mr. Foster.

No. 384.]

DEPARTMENT OF STATE,
Washington, August 4, 1885.

SIR: It is the President's especial desire that, in taking leave of His Majesty on the termination of your mission, you should find appropriate means of conveying the deep sympathy which the people of the United States, and this Government in their name, bear toward the sorrowing people of Spain by reason of the great calamity that now rests upon them, and express our prayerful hope that the dark cloud of pestilence may soon be lifted from the nation.

I am, &c.,

T. F. BAYARD.

No. 555.

Mr. Bayard to Mr. Foster.

No. 385.]

DEPARTMENT OF STATE,
Washington, August 5, 1885.

SIR: I have to acknowledge the receipt of your No. 361, of the 22d ultimo, informing me of the notice given you by His Majesty's Govern-

ment that it accepts the award of the Italian minister in the Masonic case, and will make payment as agreed.

You will please make a responsive declaration on the part of the United States, accepting the said award as final.

I am, &c.,

T. F. BAYARD.

No. 556.

Mr. Foster to Mr. Bayard.

[Extract.]

No. 382.]

LEGATION OF THE UNITED STATES,
Madrid, August 7, 1885. (Received August 21.)

SIR: Referring to your No. 372 of the 20th ultimo, relating to the decision of Baron Blanc in the case of the Masonic, I have to report that I transmitted your letter to the baron with a note on the 5th instant, and to-day received his reply inclosing a letter addressed to you, which with copies of my note and his reply, I inclose herewith.

Noting your instruction as to the transmission to the Department of the original decision of award, I will embrace the first secure means of sending it to the legation at Paris or London to be thence forwarded in the pouch.

* * * * *
I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 382.]

Mr. Foster to Baron Blanc.

LEGATION OF THE UNITED STATES,
Madrid, August 5, 1885.

EXCELLENCY: Confirming my note of the 29th of June last, I now have great pleasure in inclosing to your excellency a letter addressed to you by the Secretary of State of the United States, expressing the President's high appreciation of the service you have rendered in the arbitral decision in the case of the Masonic.

I improve, &c.,

JOHN W. FOSTER.

[Inclosure 2 in No. 382.—Translation.]

Baron Blanc to Mr. Foster.

LEGATION OF ITALY,
Madrid, August 7, 1885.

EXCELLENCY: I take the greatest pleasure in expressing to your excellency my most heartfelt thanks for your note of the 5th instant, with which you have been good enough to transmit to me the letter of the Secretary of State of the United States, containing the expression of his Excellency the President of the United States of his kind appreciation of my performance of the duty conferred on me by the two Governments of deciding as arbitrator the case of the Masonic.

I take advantage of the courtesy of your excellency, because I greatly desire to transmit to his excellency the Secretary of State of the United States the inclosed reply to the flattering communication with which he has been good enough to honor me.

Accept, &c.,

BLANC.

[Inclosure 3 in No. 382.—Translation.]

*Baron Blanc to Mr. Bayard.*LEGATION OF ITALY,
Madrid, August 7, 1885.

EXCELLENCY: I hasten to convey to your excellency the expression of my profound gratitude for the benevolent appreciation couched in such flattering terms transmitted to me in your esteemed note of the 20th of July last, which his Excellency the President of the United States was pleased to express on the accomplishment of my mandate of arbitrator in the case of the Masonic.

I should be grateful to your excellency for being the medium of expressing to his Excellency the President the sentiments of respectful gratitude evinced by me for such a high testimonial and for the honor that devolved on me on this as well as on another occasion which your excellency was kind enough to recall, to smooth difficulties arising between the Governments of the United States and Spain.

I improve, &c.,

BLANC.

No. 557.

Mr. Foster to Mr. Bayard.

No. 384.]

LEGATION OF THE UNITED STATES,
Madrid, August 10, 1885. (Received August 24.)

SIR: I am in receipt of your No. 377, of the 25th ultimo, referring to the moiety of the fine imposed upon the Ocean Pearl at Matanzas, Cuba, and I have taken note of your instruction respecting the consideration of the question in the pending treaty negotiations.

It may be proper to recall the fact that during my residence here I have had occasion frequently to bring this subject to the attention of the Spanish ministers of state and of ultramar. With my No. 49, of July 30, 1883, I inclosed to the Department a copy of a note of the 26th of the said month which I sent to the minister of state, presenting at considerable length the complaints of American shipping on account of Cuban custom-house regulations, and especially referring to the injustice and hardship of the moiety system of fines.

The Spanish customs moiety system is somewhat similar to that which existed a few years ago in the United States custom-houses, and which, on account of its unsatisfactory results, was modified by the law of Congress now in force. In conferences which I have held with the minister of ultramar, he states the operations of the Cuban regulations to be as follows:

When a fine is imposed on a vessel or cargo for a breach of the tariff laws or regulations, one half the fine becomes the property of the informer. The legality of the fine may be contested by judicial or administrative proceedings in the way proscribed by the regulations, and if by this method the fine is declared to have been illegally imposed, the whole of it is remitted; but when this method is not adopted, and resort is had to the supreme Government for a condonation of the fine, the remission only relates to that part of the fine which pertains to the Government. In such cases a technical violation of the law is usually admitted, and an appeal is made to the executive on the ground of an absence of intent to defraud the revenues. The action of the Government in condoning the fine does not affect the question of the legality of its imposition, and hence the right of the informer to his moiety is not taken away by the executive pardon.

In the treaty of commerce, signed at Madrid, November 18 last, Article XVII was inserted with the object of placing these fines entirely under the control of the Government, adopting substantially the system now in force in the United States. The project of treaty which I submitted to the minister of state on the 21st ultimo embraced this article.

I am, &c.,

JOHN W. FOSTER.

No. 558.

Mr. Foster to Mr. Bayard.

No. 389.]

LEGATION OF THE UNITED STATES,
San Ildefonso, August 18, 1885. (Received August 31.)

SIR: In my No. 327, of June 19 last, I reported my action up to that date in the case of duty on old iron imported at Barcelona by Mr. F. B. Hamel. I now have to report that on the 17th ultimo I called informally upon the minister of finance and urged upon him a favorable consideration of the question, with such arguments as I could adduce from Spanish law and the equities of the case, and with his permission, on the day following, I sent him a memorandum on the subject, of which I inclose a translation herewith.

Having received no information of a decision, and, in view of my expected early departure from Madrid, I, on the 11th instant, sent the minister of finance a private note recalling his attention to the case, and expressing the hope that he would be able at an early date to give it his attention. I am now in receipt of an unofficial note from the minister, of which I inclose a translation, in which he states that the representative of Mr. Hamel having instituted a legal proceeding to test the question, it is not possible for him (the minister) to intervene in the case, which must now be settled by the judicial process.

In view of this reply it does not seem prudent for the legation to push its efforts further for the relief of Mr. Hamel.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 389.—Translation.]

Mr. Foster to Mr. Gayon.

MADRID, July 18, 1885.

MY DEAR SIR: I inclose to your excellency the memorandum which I promised you in our interview of yesterday relative to the old metals imported into Barcelona by the American citizen, Mr. Hamel.

My Government has manifested much interest in this question, and I hope that your excellency will be able to regard it from the same point of view as I have in the said memorandum, and that you will decide the matter as soon as it may be convenient.

With the assurances, &c.,

JOHN W. FOSTER.

[Inclosure 2 in No. 389.—Translation.]

Old metal imported at Barcelona from Cuba.

The notes of the legation of the United States to the minister of state of December 10 and 12 and June 17 last ask for the return of the duties collected at Barcelona on two shipments of old or useless metals made by the American citizen, F. B.

Hamel, from Havana, Cuba, on the ground that under the law of June 30, 1882, they were entitled to be admitted free of duties.

The simple question presented is whether the shipments made by Hamel were *products* of Cuba in the sense of the law of June 30, 1882.

(1) Article 317 of the customs ordinances provides the following:

"Useless and old pieces of all kinds of metals are also excepted from the requirement of a certificate when they proceed directly from the said ultramarine provinces, which pieces are considered for the effects of the tariff *as products* of said provinces, provided that from their character they can only be utilized as original products."

The shipping document certifies that the articles shipped were "worthless articles of the railroads and foundries of the country." (See documents of custom-house of Havana, inclosed with a note of legation of December 12.) The first shipment by the corbeta Concepcion was passed free at the custom-house at Barcelona as old metals, and no question is raised as to the character of the articles—in the language of article 317, "from their character they can only be utilized as original products"—and the documents show that the shipments by the Concepcion were actually sold to the foundries of Barcelona and used by them as such materials.

(2) If the products of one country are introduced into another by the payment of duties, by that act they become nationalized, especially if after their introduction they change their character by manufacture or use. This is believed to be recognized in practice by the custom-houses of all nations. It is expressly recognized in principle by article 6 of the Spanish law of June 30, 1882.

By the affidavit of H. B. Hamel, agent of F. B. Hamel (inclosed with the note of the legation of December 10), it is proved that the merchandise shipped by Hamel "consist of old copper and iron, brass, and yellow-metal clippings, and scraps of such metals *that have already been imported into this island (Cuba) and paid the corresponding custom-house duties.*"

With the note of the legation of June 17 is inclosed, among other documents, a certificate from the inspector of customs of Havana that no old iron or other metals have at any time been imported at that port, the inference being that the articles shipped by Hamel to Barcelona had paid duties in Cuba as new goods. The good faith of Hamel in his business as an exporter of old metals and junk articles is fully proved by other documents.

(3) It is shown that Hamel has been for years engaged in this business and had sent other similar cargoes to Spain, which, by virtue of the law of June 30, 1882, had been admitted free of duties. Justice and equity would seem to require that if a new order of hacienda is issued changing the practice as to the duties, he should have reasonable notice of that order, and that the cargoes shipped before the order had been made should be admitted under the former practice of the aduana.

It is therefore claimed: (1) That to be considered products of Cuba it is only necessary to show that the articles in question came directly from that island and were useless (see article 317); (2) that by the payment of duties on their first introduction into Cuba they became naturalized products; and (3) that if the custom-house practice is to be changed, Hamel should have reasonable notice before duties are collected from him.

[Inclosure 3 in No. 389.—Translation.]

Mr. Gayon to Mr. Foster.

Private.]

MINISTRY OF FINANCE,
August 16, 1885.

DEAR SIR: Replying to your favor of the 11th instant in reference to the metals imported at the custom-house of Barcelona by Mr. F. B. Hamel, I have the honor to inform you that long before the first private note which your excellency addressed me on this subject, the representative of the party interested had made use of the administrative methods afforded by our laws, and the appeal made by him had been decided by royal order of March 17, and that it is not possible to nullify the effect of this order without having recourse, as Mr. Hamel's representative has done, to the *via contenciosa* in the corresponding department of our council of state, before which his attorney can make use of whatever arguments and evidence may appear effective, although in the administrative proceedings they may have already been brought forward at length.

I give to your excellency, with great pleasure, all these details, since it is not possible for me to interfere in a question submitted to the *via contenciosa*; and

I avail, &c.,

FERNANDO COS GAYON.

No. 559.

Mr. Bayard to Mr. Foster.

No. 390.]

DEPARTMENT OF STATE,
Washington, August 21, 1885.

SIR: Referring to instruction No. 376, of the 24th July last, touching the passport system of Cuba, I inclose for your information a copy of a dispatch from Havana, showing the local discontent in Cuba with the system. Although the arguments it contains in detail are, perhaps, inappropriate for formal presentation, it may strengthen our remonstrances against this system to show that we are not unaware of the local and wide-spread discontent which, as would appear from the article inclosed by the consul-general, pervades a numerous class of the population of Havana and other portions of the island.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 390.]

Mr. Williams to Mr. Porter.

No. 249.]

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, August 12, 1885.

SIR: Referring in general to previous correspondence in regard to the annoyances of the present passport system in Cuba, and in particular to your instruction No. 92, of the 21st July ultimo, I now beg to transmit, for the information of the Department, the translation and slip of an article taken from *La Correspondencia* of Havana, dated the 6th instant, containing an editorial on the subject of passports.

Considerable interest has awakened of late upon this subject among the hotel-keepers of this city, who find, greatly to their financial inconvenience, and by whom, I understand, this article was inspired, that, owing to the increase of hotel facilities and absence of passport annoyances in Florida, the stream of American tourists and health-seekers, who used to come to winter in Cuba, now goes to that State. It was out of this winter travel that the Havana hotel-keepers formerly reaped their harvest. Its absence now tells adversely upon their business. From the same lack, many local minor industries and occupations suffer alike, such as the retail stores, the street cars, the livery stables, coffee-houses, the boatmen of the bay, even to the boot-blacks who throng about the hotels in the winter, awaiting their American customers. And when, of course, it is taken into consideration that all these industries and occupations pay taxes to the general government of the island as well as to the city government of Havana, it is manifest that any loss of business to them naturally decreases their ability to contribute to the public budget, and to its extent redounds in turn against the Government itself.

In short, were we to search for reasons in favor of the abolition of the passport system of Cuba we would find that this island is much more in need of its suppression than the United States.

I have, &c.,

RAMON O. WILLIAMS,
Consul-General.

[Inclosure 2 in No. 390.]

[Extract from *La Correspondencia* of Havana, August 6, 1885.—Translation.]

PASSPORTS.

If there are no passports in Spain why should there be any in Cuba? We shall never cease asking that they be abolished.

We call the attention of General Fajardo to this subject. The governor-general can do much in favor of the commerce, wealth, and progress of this island if he only succeeds in convincing the home Government that it is indispensable to do away with passports.

General Fajardo does not ignore that American tourists have a liking for Cuba, and in their opinion there is no nearer and better country to winter in.

More than 100,000 travelers came south from the north and central parts of the United States into Florida in the winter of 1884 to 1885. Some few came over into Cuba. Those who are well informed upon the subject say that this island is much more beautiful, gay, varied, and pleasant than that State. In Florida there are hotels from which only sea and stretch of sand can be seen.

* * * * *

But to come to Cuba the American tourist requires a passport. He has to write from Florida, or from wherever he may be, to the Department of State at Washington, and then wait several days for the document, and afterwards has to dance attendance at the office of some Spanish consulate in the United States, besides paying a consular fee of \$4.

All this annoys the American traveler, accustomed like the English, the French, the German, and lately even the Spaniards, to travel freely without being required to show their passports at every step.

Were it not for our passport system, of those 100,000 travelers who come every winter to Florida, thirty or forty thousand would come to Cuba.

Our good friends the Americans—and they are our friends, although they did not ratify the treaty—have reason enough to complain. Passengers sometimes arrive in Cuba by the steamship line to Cienfuegos. They come to Havana with their passports in their pockets. If they wish to take passage for New York here the consignee of the steamer requires their passports visaed by the civil government. Having landed in Cienfuegos, where the authorities have not indorsed their passports, they hence suffer here further delays and difficulties.

* * * * *

Russia is the only country that keeps up the same system as Cuba. Not even among the Moors in Morocco are there passports.

The damages arising from this state of things is easily to be seen. Hotels, restaurants, barber-shops, coffee-houses, &c., lose these benefits, the more to be appreciated on account of the economic situation of this island. Add to this the fact that many establishments have to pay increased taxes—the Hotel Telegrafo, for instance, which has had an increase of 65 per cent.

Everything here, except the land itself, conspires against the prosperity of the working man, and capital dissipates itself.

General Fajardo doubtless knows that for all great cities, like Paris, London, New York, Vienna, the movement of passengers is a good business. In Cuba it might be the same if the administration would only do a little towards removing the difficulties which prevent personal locomotion.

We have close by a wealthy nation of 55,000,000 of inhabitants. The well-to-do classes of the north and middle part of the United States during the winter search for sunny climes, an agreeable life, in which they may find the advantages of civilization and the attractions of nature. Cuba offers them what neither Florida, Jamaica, nor the Bermudas can offer.

Does it not appear to General Fajardo that we should do all we can to make this island the winter station of the American tourists? Then let the governor-general propose to the home Government the suppression of passports.

No. 560.

Mr. Foster to Mr. Bayard.

[Extract.]

No. 394.]

LEGATION OF THE UNITED STATES,
San Ildefonso, August 22, 1885. (Received September 5.)

SIR: In view of my early retirement from this mission I have for some weeks past been urging upon the Spanish Government the adjustment and repayment of the excessive cattle tax collected by the Spanish consul at Key West, Fla. After several visits to the ministry of state and comparison of tables with the chief of bureau having the subject in charge, I agreed to accept as the number of cattle upon which the tax had been paid 26,626, which was twelve less than the

number claimed in the documents sent through the Department by Messrs. McGrew & Small, the attorneys in the case; but as there was also an approximate discrepancy between the number claimed by them and the Treasury reports, and as the concession only involved \$3.60, I considered the sum too trivial to delay the final settlement.

In accordance with that agreement I am to-day in receipt of a note from the minister of state, which I inclose in copy and translation, in which he states that on 26,626 head of cattle there having been paid \$10,650.40 as consular taxes, the excess to be returned amounts to \$7,987.80, and that the Spanish minister in Washington has been instructed to pay that sum to the Department of State in final settlement of the claim.

To this note I have to-day made an acknowledgment of receipt with the statement that a copy thereof will be forwarded for your information, as per inclosure.

It is to be observed that only three-fourths of the amount collected is ordered to be returned, 40 cents per head having been collected, which the Spanish Government conceded was an excess of 30 cents above the amount fixed by the Spanish consular tariff of fees. Ten cents per head is retained as legally authorized by said consular tariff, which directs the collection of 10 cents tonnage dues on all shipments from the United States to Spanish ports. In accepting the sum of \$7,987.80, which I regard as in the interest of the claimants, it has occurred to me that it might be considered opportune to make the statement that its acceptance is not to be regarded as a recognition of the right of Spain to collect a tonnage tax in American ports, in case you coincide in the views expressed by your predecessors.

* * * * *

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 394.—Translation.]

Mr. Elduayen to Mr. Foster.

MINISTRY OF STATE,
San Ildefonso, August 17, 1885.

EXCELLENCY—MY DEAR SIR: I have the honor to communicate to your excellency that from examination of the amount transmitted by the Spanish consul at Key West of the consular tax collected on the exportation of cattle from said port to the island of Cuba, and likewise after its comparison with the statement which your excellency was good enough to send me in your note of the 27th of May last, it results that the number of head of cattle amounts to 26,626; that the tax collected comes to the sum of \$10,650.40, and that, therefore, the return of the excess which has to be made amounts to \$7,987.80.

Consequently, I have the satisfaction of announcing to your excellency that due instructions have been sent to the minister plenipotentiary of His Majesty in Washington to deliver said amount to the department of foreign affairs as a definite payment of the pending claim.

I take advantage, &c.,

J. ELDUAYEN.

[Inclosure 2 in No. 394.]

Mr. Foster to Mr. Elduayen.

LEGATION OF THE UNITED STATES,
San Ildefonso, August 20, 1885.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 17th instant, in which you state that as a result of the comparison of

data in your ministry, the Spanish plenipotentiary in Washington has been instructed to pay to the Department of State the sum of \$7,987.80, as a definitive settlement of the claim for the return of the cattle tax collected by the Spanish consul at Key West.

Assuring your excellency that I shall have great pleasure in communicating this information to my Government, I remain, &c.,

JOHN W. FOSTER.

No. 561.

Mr. Foster to Mr. Bayard.

[Extract.]

No. 396.]

LEGATION OF THE UNITED STATES,
San Ildefonso, August 24, 1885. (Received September 8.)

SIR: In execution of your instruction No. 385, of the 5th instant, I now report that I have sent to the Spanish minister of state a note, of which a copy is inclosed, notifying him of the acceptance of the award of the Italian minister in the case of the Masonic as a final disposition of the same.

I have further to report that under date of the 18th instant the minister of state has informed me that his colleague, the minister of ultramar, has given instructions to the governor-general of the Philippine Islands, which contemplate the payment of the award before the expiration of the six months from its date as fixed in the agreement of arbitration, thereby saving to the Spanish Government the item of interest for the unexpired term. A copy and translation of the minister's note are inclosed.

In acknowledging the minister's note I stated that I had no doubt the action contemplated would be acceptable to our Government.

* * * * *

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 396.]

Mr. Foster to Mr. Elduayen.

LEGATION OF THE UNITED STATES,
San Ildefonso, August 20, 1885.

EXCELLENCY: In due time I transmitted to my Government a copy of your excellency's note, in which you informed me that His Majesty's Government accepted the award of his excellency Baron Blanc, the Italian minister at this court, in the case of the Masonic as final and conclusive.

I am happy to inform your excellency that I am now in receipt of instructions from the Secretary of State at Washington, directing me to declare to your excellency that my Government on its part also accepts said award as final and conclusive.

I embrace, &c.,

JOHN W. FOSTER.

[Inclosure 2 in No. 936.—Translation.]

Mr. Elduayen to Mr. Foster.

MINISTRY OF STATE,
San Ildefonso, August 18, 1885.

EXCELLENCY: I have the honor of acquainting your excellency with the fact as my colleague, the minister of ultramar, informs me under date of the 4th instant, that it is stated to the governor-general of the Philippine Islands that by a royal decree

of judgment of the chamber of contentious suits of the council of state of the 16th of October, 1884, the decision was affirmed which the section of contentious suits of the council of administration of that island rendered on the 9th of June, 1883, condemning the administration of state to the return of the fine imposed by the central custom-house on the 6th of February, 1879, and affirmed by the decision of that intendency of the 26th of March following, upon Osman P. Nichols, captain of the North American bark *Masonic*, and likewise to the payment of the damages and injuries which he may duly prove to have sustained.

To decide as to the amount of this indemnification, the Governments of His Majesty and of the United States agreed to submit the question to the arbitral decision of the minister plenipotentiary of the King of Italy at this court, and by the decision of the 27th of June last, said minister has declared that the sum which ought to be paid by the Spanish treasury as indemnification to the owner of the *Masonic*, including both principal and interest to the date of this decision, is \$51,674.07. In consequence of this, and seeing that the said amount admitted bears interest at 6 per cent. per annum from the date of the arbitral decision until the day on which the cash payment is made, and that this obligation is provided for by a credit of \$53,500 in article 1, chapter 4, of section 2, "state," of the existing budget of the Philippines, he may arrange that the immediate possession by that treasury may be had by means of a draft on a commercial center of the United States to the order of the minister plenipotentiary of Spain in Washington for an amount including the \$51,674.07 plus the interest on the latter at 6 per cent. per annum from the 27th of June last to the day fixed in the draft for its expiration and final payment at the point of its destination; his attention being called to the fact that payment is obligatory within the space of six months from the date of the arbitral decision, and that it is advantageous for the Treasury to shorten the period of interest. The draft should be transmitted to the Spanish minister in Washington in order that he may indorse it to the Federal minister of state, according as he will be opportunely advised.

I gladly avail, &c.,

J. ELDUAYEN.

[Inclosure 3 in No. 396.]

Mr. Foster to Mr. Elduayen.

LEGATION OF THE UNITED STATES,
San Ildefonso, August 22, 1885.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 18th instant, in which you communicate to me the resolution taken by your worthy colleague, the minister of ultramar, for the payment of the amount awarded to the owner of the *Masonic* by his excellency the minister of Italy, by which it is contemplated to shorten the period of six months, within which it was agreed the payment should be made in Washington.

I will lose no time in making known to my Government the measures proposed to be taken for this purpose, which I have no doubt will be found acceptable to it.

I improve, &c.,

JOHN W. FOSTER.

No. 562.

Mr. Foster to Mr. Bayard.

No. 398.]

LEGATION OF THE UNITED STATES,
Madrid, August 26, 1885. (Received September 12.)

SIR: With my No. 366, of the 28th ultimo, I transmitted a copy of the law recently passed by the Spanish Cortes, authorizing the minister of ultramar to grant a concession for the construction of a system of railroads in the central and eastern provinces of the island of Cuba. The *Gaceta de Madrid*, of the 24th instant, contains the official publication of the law and the conditions upon which the bids are to be received for the concessions. As the dispatch referred to contains a full abstract both of the law and these conditions, I only deem it necessary to transmit at this time a copy of the publication in the *Gaceta*.

As noticed in my No. 366, the important question was whether the 8

per cent. guaranty to be given by the Government was to be made effective by the treasury of Cuba or of the mother country. The declaration of the minister of ultramar in the Cortes seemed to be sufficiently explicit on this point, but the companies and syndicate which were expecting to compete for the concessions claimed to have assurances that in the official publication for bids the guaranty of the national or peninsula treasury would be pledged; but such has not been the case. In the 9th article of the conditions it is expressly stated that "the payment of the sums necessary to make effective the said interest (the 8 per cent. upon the capital invested) shall be made by the general treasury of the island of Cuba as a charge in the general budget of that island."

In view of this provision, one of the leading newspapers of Madrid states that it is generally believed there will be no bidder for the concession.

I am, &c.,

JOHN W. FOSTER.

No. 563.

Mr. Foster to Mr. Bayard.

No. 401.]

LEGATION OF THE UNITED STATES,
Madrid, August 29, 1885. (Received September 12.)

SIR: Since my No. 326, of June 19 last, reporting the presentation of the application for the remission of the fine levied on the Charles L. Pearson by the custom-house of Cienfuegos, Cuba, I have twice conferred with the minister of ultramar on the subject, who at my request agreed to give it special attention.

I am now happy to report that I have received information through the note of the minister of state of the 25th instant, of which a copy and translation are inclosed, that the fine has been condoned.

Of my reply in acknowledgment of its receipt, I also transmit a copy. It will be noted that the Spanish Government lays considerable stress upon this act as a manifestation of its desire to gratify our Government, and directs attention to the fact that it is not to be accepted as a precedent in similar cases, for the reason that it exercises an injurious influence on the national shipping and is prejudicial to the treasury. In an interview which I had with the minister of ultramar to-day, he stated that he had no recollection of a similar fine imposed in Cuba upon a Spanish vessel ever having been condoned.

He also informed me that the whole of the fine, \$500, had been remitted, as the informers did not in this instance participate in the moiety.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 401.—Translation].

Mr. Elduayen to Mr. Foster.

MINISTRY OF STATE,
Palace, August 25, 1885.

EXCELLENCY: Having duly transmitted to the ministry of ultramar your excellency's note, dated the 19th of June last, relative to the fine of \$500 imposed at Cienfuegos upon the captain of the American bark Charles L. Pearson, for absence of con-

sular visa, said ministry informs me that in view of the circumstances of the case, and especially of the generous desires of His Majesty, it has been decided to condone the fine referred to; and it takes note, moreover, that such graciousness, which has already been exercised on various occasions and which proves the lively desire always felt by the Government of His Majesty of showing the most cordial friendship for that of the United States, can neither remotely establish a precedent in law or in any well-founded and reasonable manner be cited as a claim to further condonations, which would result very disadvantageously for the national commerce, the liability of which in analogous cases is always enforced, and would likewise be opposed to the exercise of *bona fide* commerce and to the interests of the treasury, which find security only in the faithful and exact compliance with the customs regulations.

In having the honor of giving this information to your excellency,
I avail, &c.,

J. ELDUAYEN.

[Inclosure 2 in No. 401.]

Mr. Foster to Mr. Elduayen.

LEGATION OF THE UNITED STATES,
San Ildefonso, August 27, 1885.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 25th instant, in which you convey to me the gratifying information that His Majesty's Government has ordered the condonation of the fine imposed upon the American bark Charles L. Pearson by the custom-house of Cienfuegos, Cuba.

While recognizing the generous and friendly spirit which has animated this action of your excellency's Government, I will bring to the attention of my Government the views set forth in your note by forwarding a copy thereof to Washington without delay.

I avail, &c.,

JOHN W. FOSTER.

No. 564.

Mr. Bayard to Mr. Strobel.

No. 394.]

DEPARTMENT OF STATE,
Washington, September 7, 1885.

SIR: I have received Mr. Foster's No. 394, of the 22d ultimo, by which it appears that the so-called cattle-tax, to be returned to McKay and others, exporters of cattle from Key West, is to be \$7,987.80, or three-fourths of the whole amount of such tax charged by the Spanish consul at that port as fees, which fees constituted in reality an export tax, evied in our ports by a Spanish official, when no such tax is possible to be levied by our own officials under the organic law of the United States.

While the sum of \$7,987.80, to be returned through this Department, will be accepted and paid over to the claimants, it is to be distinctly understood that in accepting this fraction of the tax levied the United States does not recognize the right of Spain to impose an export tax of whatever amount in our ports, and this reservation will be made known to the Spanish minister when he tenders the amount named.

It is necessary to add that if the word "entire," in the translation of Mr. Foster's dispatch, which I inclose, of August 30, belongs to the words preceding it, viz, "I have arranged repayment cattle-tax," then there is no occasion to remind Spain of the position of the United States above stated.

It is supposed that the word "entire" goes with the words that follow it, viz, "fine Pearson remitted," though it was not at first so read.

I am, &c.,

T. F. BAYARD.

No. 565.

Mr. Strobel to Mr. Bayard.

No. 439.]

LEGATION OF THE UNITED STATES,
Madrid, October 13, 1885. (Received October 31.)

SIR: Referring to Mr. Foster's No. 389, of August 18, I have the honor to inclose a copy and translation of a note received from the minister of state on the 6th instant, reporting the refusal of the minister of finance to return the duty collected at the custom-house at Barcelona on a cargo of old metal shipped from Cuba by Mr. F. B. Hamel, an American citizen. While it is to be inferred that the question is not yet settled, but is before the *contencioso* division of the council of state, which has the power to review on appeal the decisions of ministers of the crown in especial cases, I beg leave, however, to call your attention to the arguments put forward in the note to justify the refusal of administrative intervention.

On page 20 of the Peninsula Tariff, in the edition of 1876, we find the following:

Ninth provision; commerce with the Spanish provinces of America. (See note 3 of this tariff and article 317 of the regulations.)—Merchandise, the product of and proceeding from these provinces, which are not assessed in the tariff at the duties which, as such, they ought to pay, shall be liable to half the duties fixed for foreign importations of the same kind.

Note 3 of the tariff simply restricts the above provision to goods brought directly from the provincial ports, but article 317 of the regulations contains the following:

To enjoy the benefits of provision 9 [just given above] * * * the importers will be required to present, at the time of entry, a certificate of the custom-house of the port of origin, proving that the merchandise is the product of these provinces. * * * There shall be excepted from the necessity of the certificate *useless or worn-out scraps of any metal* which proceed directly from the above-mentioned provinces of ultramar, which pieces shall be considered for the purposes of the tariff *as products of the same provinces*, whenever, from their character, they can only be used as raw material.

You will therefore observe (1) that the benefit or reduction to half duty allowed by the ninth provision is only applied to merchandise on the condition that it is "the product of and proceeds from the Spanish provinces of America;" (2) that by article 317 of customs regulations, scraps of old metal became entitled, even without giving a certificate of their origin, to the half reduction allowed by this ninth provision, because "they shall be considered for the purposes of the tariff as a product of the same provinces," the only restriction being that they should be useful as raw material, and not of any intrinsic value.

In the face of this, however, the ministerial note says:

Article 317 of the customs regulations did not establish, as is supposed and alleged, freedom for useless metals proceeding from our Antilles, nor did it say, nor could it reasonably say, that they were *the products of these islands*, and even at that time half of the duties was imposed on said metals as on those proceeding from foreign countries, and they never enjoyed the absolute exemption that is now claimed.

Here the writer falls into an absolute inconsistency by denying that this kind of merchandise was considered as the product of the Antilles and then admitting that it only paid half duty. Why should it not have paid full duty? Because by the explicit declaration of article 317 it was considered as the product of the Spanish provinces, and therefore entitled to the benefit of the ninth provision of the tariff, which provis-

ion was restricted to goods which were the product of and proceeded from these provinces. It has never been supposed and alleged that this article 317 entirely exempted such merchandise from duty, but that the article was a declaration by the Spanish Government that metal so old and worn out as to be only fit for raw material, when proceeding directly from its provinces, was to be considered as the product of those provinces, and entitled to all the benefits resulting from such consideration; nor is there any restriction made that such metal should be from the sheathing of Spanish vessels, because, on the contrary, the term used is the broadest possible—scraps “of any metal” whatsoever.

Down to the time of the establishment of the law of mercantile relations with the Spanish provinces of the 30th of June, 1882, all such metals were considered as products, and therefore entitled to the benefit of the ninth provision—the payment of half instead of the whole of the regular duty—which reduction is admitted in the note. This law of the 30th June, 1882, was a sweeping advance towards free trade with the provinces. It allowed the products of Cuba, Porto Rico, and the Philippines to be admitted free of duty, except tobacco, aguardiente (a kind of brandy), sugar, cocoa, chocolate, and coffee. Duties on these excluded articles are to be reduced 10 per cent. during each year until July 1, 1892, when they are to be entirely abolished, and the principles of coasting trade (*cabotage*) applied.

As scraps of old metal had, until this time, paid only half duty, for the single reason that they were considered the product of the provinces from which they proceeded, the unanswerable conclusion is that after the passage of this law they would, for the same reason, pay no duty at all. This was the view taken for more than a year, until, without warning, the duty was sprung upon Mr. Hamel's metal, although during the intervening period several of his cargoes had been passed free; nor should it excite surprise that the duty now levied is much greater than it was before the passage of the law of 1882. To return to the old duty, based as it was entirely on the theory that merchandise of this sort was a product of the Antilles, would anomalously admit that it was such a product, but not entitled to the advantage resulting from that fact, namely, free admission by the above law. The Spanish Government has, therefore, entirely ignored its own tariff in operation prior to 1882, declares that old metals never were considered the product of the Antilles, and that they must now pay the duty collected from foreigners not having by treaty the treatment of the most favored nation.

The royal order of January 17, 1885, can only apply to this case by endowing decrees of that character not only with retroactive force, but also with the ability to abrogate existing laws, and it is to be hoped that the council of state will take cognizance of the facts to which I have undertaken to call your attention. The claim, it seems to me, does not rest upon any question as to whether these metals have paid duty under another form, the discussion of which occupies a large portion of the note, and is the basis of the royal order of January 17, 1885, but upon the historical fact that for a series of years, down to the passage of the law of 1882 giving freedom to the products of the Antilles, metals entering the ports of Spain were proclaimed by the customs regulations to be the products of the Spanish provinces whence they proceeded, and received all the benefits resulting from that fact. Might it not be proper, therefore, to express some disappointment at the refusal of administrative interference where manifest injustice is not even adorned by plausible reasoning?

I have, &c.,

EDWARD H. STROBEL.

[Inclosure in No. 439.—Translation.]

*Mr. Elduayen to Mr. Strobel.*MINISTRY OF STATE,
Palace, September 28, 1885.

MY DEAR SIR: In reply to the note of your legation dated the 10th of December last, in reference to the claim of the North American citizen, Mr. F. B. Hamel, for the return of the duties collected at the custom-house of Barcelona on the importation of metals proceeding from Havana, I am informed by my colleague of finance that the matter referred to was settled by the decision of the director-general of customs that duty on such useless metals should be exacted, and that as the house of the consignees in Barcelona appealed to the minister of finance, the decision for payment was confirmed by royal order of the 17th of May, 1885, which payment has been cashed, and with this, as far as the administration is concerned, the matter terminates; that the Barcelona house had recourse to the *via contenciosa*, and for the purpose of examining whether this process can go on or not, the papers in the case are now in the council of state.

The minister adds that in regard to the same question as to whether metals in useless scraps ought to pay duty or not, numerous proceedings have been instituted, and in all it has been decided that the levying of duty should continue, but as this did not suffice, merchants, shipowners, and metal founders of Barcelona had recourse to the minister of finance, and solicited freedom of duty. This was denied by royal order of January 7, 1885, published in the *Gaceta* of the 25th of the same month.

The above-mentioned decisions find solid foundations on the following facts: That the law of mercantile relations with the Spanish provinces of America of the 30th June, 1882, on which the petitioners support their claim, only established freedom of duty for some and not all of the products of these provinces; that the great majority of the useless scraps in question proceed from materials, apparatus, and machines imported from the United States and England into Cuba and Porto Rico; that, therefore, the worn-out metals of said machines and property are not the product of the soil nor of the industry of the Spanish Antilles, but of foreign industry; that the difference of tariffs, budgets, administration, and economic system between the Peninsula and the Antilles render difficult the application of coasting-trade system, which is the very point under consideration would injure the Peninsula treasury whenever machines or any other property of iron or any distinct metal should be imported into Cuba and Porto Rico with freedom or at a reduced rate of duty.

In like manner article 317 of the customs regulations of the 23d July, 1878, did not establish, as is supposed and alleged, freedom for useless metals proceeding from our Antilles; nor did it say, nor could it reasonably say, that they were the products of these islands, and even at that time half of the duties was imposed on said metals as those proceeding from foreign countries, and they never enjoyed the absolute exemption which is now sought; said article 317 was extended only to exempt those metals from a certificate attesting that they were of Antillean origin when they were so in reality, with the additional circumstance that at that time the question was generally of copper coming from the sheathing of Spanish vessels, which justified the facility or advantages granted by the legislation mentioned, and, besides, in every case the benefit was limited to half of the duties and formalities for importation, as has been explained, and what benefit it allowed is now completely annulled by the promulgation of the law of commercial relations with the provinces of ultramar, which established freedom, duties, and regulations very distinct from what can be deduced from article 317 above mentioned, which article is in perfect contradiction with said law. Neither in the spirit of the latter, nor still less in its letter, does it contain any foundation for the opinion that from the fact that scraps of metal have paid duties in the Antilles at the time of their importation they are free from the corresponding charge on their arrival in the Peninsula.

Extraordinary reforms of existing law would be implied by the acceptance of a principle like this. Such reforms would be nothing less than the unification of both tariffs, or the establishment of special duties to compensate for the difference between them when the foreign products which pay duties in either of said territories should pass to the other, nothing of which exists. These are the reasons, legal and of great weight, which have prevented the granting of the petition, and to which your note which I now answer refers.

While having the honor of conveying to you this information, I avail, &c.,
J. ELDUAYEN.

No. 566.

Mr. Bayard to Mr. Strobel.

No. 409.]

DEPARTMENT OF STATE,
Washington, November 4, 1885.

SIR: I have received your No. 439, of the 13th ultimo, and the copy which you inclose of a note received from the minister of state, reporting the refusal of the minister of finance to return the duty collected at Barcelona on a cargo of old metal shipped from Cuba by Mr. F. B. Hamel, an American citizen.

You remark that the question is still unsettled, notwithstanding the minister's note, since the decision of the note "is before the *contenciosa* division of the council of state, which has the power to review on appeal the decisions of ministers of the crown in special cases."

You state that the tariff of Spain in 1876 and later required half the ordinary duties to be levied on products of the Antilles, and that article 317 of the regulations thereunder contemplated all "useless or worn-out scraps of any metal" brought from the Antilles to be the actual product of those islands, and therefore liable to half rate duties. But in 1882, you say, a law was passed which "allowed the products of Cuba, Porto Rico, and the Philippines to be admitted free of duty, except tobacco, aguardiente, sugar, cocoa, chocolate, and coffee," and for more than a year after this law was passed that old iron or scrap metal from these islands was admitted free, as a product thereof, and several of Mr. Hamel's cargoes were thus admitted. Suddenly the rule was changed and Mr. Hamel was taxed on a certain cargo, and it is the duty thus levied that is now under consideration.

Your reflections on the arguments of the note which you inclose appear just, and you can very properly reply to the note in the sense of your dispatch. It seems, however, that the treatment of old iron as a product of the Antilles when shipped thence was a matter of regulation only. It was just as true then as now that the original iron came from various quarters other than the Spanish West Indies, except that part which was mined and manufactured there. It would be wholly impracticable to attempt a separation of such metal from that which came originally from outside these islands. The law has certainly relieved part of nearly every possible cargo of old metal from duty, and if it is impossible to determine exactly what proportion, the importer should have the benefit of the doubt, and not suffer because of the ambiguity or obscurity of laws subjecting him to onerous taxation.

I am, &c.,

T. F. BAYARD.

No. 567.

Mr. Bayard to Mr. Strobel.

No. 412.]

DEPARTMENT OF STATE,
Washington, November 17, 1885.

SIR: Referring to the instruction (No. 409) sent to your legation on the 4th instant, respecting the duty collected at Barcelona on a cargo of old metal shipped from Cuba by Mr. F. B. Hamel, an American citizen, I inclose, for your further information in the case, a copy of a letter from Mr. J. B. Hamel, of Philadelphia.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 412.—Extract.]

Mr. John B. Hamel to Mr. Bayard.

WEST PHILADELPHIA, November 7, 1885.

SIR: Your letter 6th instant received, and contents noted with thanks.

The preamble of the decree of June 30, 1882, says that in order to give further facilities to the people of Cuba, *cabotage* is established, and that the products of Cuba, excepting colonials, will be admitted free of duties in Spain. This does not exclude metals.

At that time the duties on old iron was 1.35 pesetas (about 27 cents) per 100 kilograms, and for many years previous it had reached as high as 2.50 pesetas (50 cents), yet they forced us to pay over \$6,000 at the rate of 5 pesetas (\$1) per 100 kilograms. Therefore it is not a treasury ruling, but fixing new duties that only Cortes can do. Our first shipments after June 30, 1882, were admitted free, until November, 1883, when the customs authorities discovered that Cuba was not a part of Spanish possessions, but some unknown foreign land, and therefore goods imported from Cuba ought to pay duties that had never before been paid. The minister of finance naturally sustained his employés.

Old metals are the product of the country where they become old. Here we say American or imported scrap-iron. All old metals paid duty when new and imported into Cuba, and became nationalized.

I am, &c.,

JOHN B. HAMEL.

No. 568.

Mr. Bayard to Mr. Strobel.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 27, 1885.

STROBEL,
Chargé, Madrid:

Tender to Queen regent sincere condolence of President and people of the United States.

BAYARD.

No. 569.

Mr. Strobel to Mr. Bayard.

No. 458.]

LEGATION OF THE UNITED STATES,
Madrid, November 28, 1885. (Received December 14.)

SIR: Soon after the return of the King from La Granga (San Ildefonso) on the morning following the riot and attack on the German legation of the 4th of September last, rumors began to circulate in regard to the dangerous state of his health. Intermittent attacks of fever, inability to retain food, and dysentery were said to be the symptoms, but it was the general impression that his lungs were seriously affected.

The course of his disease must have been hastened by the nervous excitement resulting from the complications with Germany. The prospect of a foreign war or an insurrection at home, which at one time seemed to be the alternative, and the days of suspense, even after the prospect of a settlement of the question, were sufficient to affect injuriously a much more robust constitution. Since his arrival in Madrid

I saw the King but twice, once on the 11th of September, when I was presented to him at the palace reception in honor of the fifth birthday of the Princess of Asturias, where his face wore a certain dejected look, but there was nothing in his appearance to show that he was in a critical condition. The other and last time was on the afternoon of the 17th of October, on his return from the races which he had attended by the advice of his ministers, who feared that his absence might produce apprehension and excitement among the people. I was then deeply impressed by the change wrought by the intervening space of less than four weeks. Instead of being calculated to allay fears, his haggard and pale face in that scene of gayety rather played the part of the skeleton at the feasts of the Egyptians—a reminder of the uncertainty of power and the shortness of life.

On the 1st of November the King left Madrid for the Pardo, a country seat about 8 miles from the city. One of humbler station might have obtained a new lease of life in the gentler climate of the south, but political considerations kept him exposed to these cutting winds and this changing temperature. The same policy of repression and concealment in regard to the state of his health was kept by the Government to the very end. To the day of his death, the official *Gaceta* reported every morning with unscrupulous monotony—

His Majesty, whom God guard, continues in the royal seat of the Pardo without change in his important health.

If a newspaper dared to allude too openly to the rumors of his feeble condition, it was denounced; if a correspondent of a foreign journal telegraphed a reference to those rumors, the telegram was suppressed. Not more than ten days ago it was reported that he would have the customary reception and dinner on to-day, the 28th, his birthday. Then his doctors thought that this might be too exciting, but he had accepted an invitation from the Duke de Montpensier to spend a month at Sanlucar, in Andalusia; he would leave about December 1, and would take part in a review before his departure. These statements, while they did not deceive many who believed that the King's life was but a question of a winter, did to a certain extent lull any anxiety as to an immediate disaster.

On the afternoon of Tuesday, the 25th, it was whispered in Madrid that the King was dead. The royal family, with all the evidences of distress and excitement, had gone to the Pardo. Around the presidency and the other Government buildings was an increased number of civil guards, and the troops were ordered to their barracks. What produced conviction, however, that the King, if not dead, was in all probability dying, was the entire reversal of the policy of concealment. While no definite information could be gained from official sources, newspapers, Conservative, Liberal, and Republican, undenounced and untrammelled, proclaimed that he had been seized with a relapse, that his condition was dangerous, even desperate.

The *Gaceta* of Wednesday morning, for the first time, deviated into admitting that he was ill, and published the telegrams sent on the night before to Señor Canovas by the physician at the Pardo, describing his condition in explicit and despairing terms.

It appears that on his return from a walk on Monday afternoon he was seized with an attack of dyspnea, or inability to breathe. This was repeated with increased violence at about 11 that night. During the following day, Tuesday, the 24th, there was dysentery, attended with considerable loss of blood. At about 4 o'clock on the morning of the 25th

he had another attack of dyspnea, which left him much enfeebled. His respiration then became gentler, but was still very painful. At half-past 8 he addressed a few words to the Queen, who had been continually by his side since her arrival, and then fell asleep. After a short interval his breathing stopped. The Queen leaned over and placed her hand upon his forehead. He had died without a struggle.

In the palace, but not in the room, at the time of his death were his mother, ex-Queen Isabella, the Duke and Duchess of Montpensier, and his sisters, the infantas Isabel and Eulalia. Early in the morning, when evidently convinced that the end was near, he had requested that his children, the Princess of Asturias and the Princess Maria Theresa, might be brought to him; they were sent for, but arrived too late.

The King's death was not officially announced until late in the afternoon by an extra edition of the *Gaceta*, but it was generally known before that time. On yesterday the body was brought to Madrid with the customary pomp, and has to-day been lying in state in the palace and exposed to the public gaze. This morning it will be conveyed to the Escorial and placed in the Pantheon, the last resting place of the royalty of Spain. The funeral ceremonies in Madrid will not be held before December 10.

Although it was dated the 25th, I did not receive until last night the official announcement of the event from the minister of state. Your telegram of condolence arrived about the same time. It was well known that a new ministry had been formed, but the diplomatic representatives had as yet received no official notification of that fact, and since the announcement of the King's death was signed by Señor Elduayen, I thought it better to embody your telegram in a note to him, a copy of which is inclosed, than to wait for the official information of the entrance of the new ministry upon their duties. This course, as I have learned, was also followed by other legations.

Had Alfonso XII lived until to-day he would have just completed his twenty-eighth year, and it is a somewhat strange commentary that those who expected to meet him at the birthday reception given to foreign representatives, on this day saw him amid the hushed whispers of a motley assemblage, and surrounded by the impressive but ghastly paraphernalia of deceased royalty.

I have, &c.,

EDWARD H. STROBEL.

[Inclosure in No. 458.]

LEGATION OF THE UNITED STATES,
Madrid, November 27, 1885.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 25th instant, conveying the sad intelligence of the death of His Majesty Don Alfonso XII.

At the same time I beg leave to transmit to your excellency the following telegram, just received from the Secretary of State of the United States:

"Tender to the Queen regent the sincere condolence of the President and people of the United States."

I will therefore entreat your excellency to convey to Her Majesty the Queen regent an expression of the deep sympathy which is felt by the Government and people of a distant land for the premature and pathetic loss of one whose life was of such interest to the world, and of a value so incalculable to Spain.

I avail, &c.,

EDWARD H. STROBEL.

No. 570.

Mr. Strobel to Mr. Bayard.

No. 459.]

LEGATION OF THE UNITED STATES,
Madrid, November 30, 1885.

SIR: By the constitutional provisions, of which I inclose the original and translation, the surviving parent acts as regent during the minority of the sovereign. The Queen, therefore, in the *Gaceta* of the 27th instant, proclaimed her regency as follows:

In accordance with article 72 of the constitution of the monarchy, all the acts of the Government will in the future be published in my name as regent of the Kingdom during the minority of the prince or princess who may legitimately succeed to the throne of my deceased husband, Don Alfonso XII, according to the provisions of article 60 of the same constitution.

On the same date she took before the council of ministers the oath required, the original and translation of which I also have the honor to inclose.

The heiress apparent to the throne is the young Princess of Asturias, who is only five years of age. Matters are somewhat complicated, however, by the fact that the Queen expects to be confined about next April. It is doubtful, therefore, whether the little princess will be declared Queen of Spain or whether there will be an interregnum until the confinement of the Queen. If the Princess of Asturias should be proclaimed Queen and a prince should afterwards be born, she would only have been a sort of provisional Queen, or Queen *in posse*, which would seem an anomaly. As yet, this question does not seem to have been considered, and probably will not be until after the official publication of the Queen's condition.

I have, &c.,

EDWARD H. STROBEL.

[Inclosure 1 in No. 459.—Translation.]

CONSTITUTIONAL PROVISIONS FOR A REGENCY.

ART. 60. The sovereign is a minor until the completion of the seventeenth year.

ART. 67. When the sovereign is a minor the father or mother of the sovereign, and in the absence of these, the relative nearest in the succession to the crown, according to the order established in the constitution, will immediately enter upon the regency and will exercise it during the whole period of the sovereign's minority.

ART. 68. To be qualified for the exercise of the regency, the nearest relative must be a Spaniard, must have completed twenty years and not be excluded from the succession to the crown. The father or mother of the sovereign shall only be able to exercise the regency while remaining unmarried.

ART. 69. The regent shall take oath before the Cortes to be faithful to the minor sovereign and to guard the constitution and the laws. If the Cortes are not assembled, the regent shall convene them immediately, and in the meanwhile shall take the same oath before the council of ministers, and promise to repeat it before the Cortes as soon as they are assembled.

ART. 70. If there is no one qualified for the regency, a regency shall be named by the Cortes, and shall be composed of one, three, or five persons. Until such appointment is made, the Kingdom shall be provisionally governed by the council of ministers.

ART. 71. When the sovereign is unable to exercise his authority, and this impossibility is recognized by the Cortes, during this inability the regency shall be exercised by the sovereign's eldest son.

ART. 72. The regent and the regency, in whose name the acts of the government shall be published, will exercise all the authority of the sovereign.

ART. 73. The guardian of the minor sovereign shall be the person named by the deceased sovereign in his will, always provided that he be Spanish by birth. If none

has been named, the guardian shall be the father or mother, while remaining unmarried. In the absence of these the Cortes shall appoint a guardian, but the offices of regent and guardian of the sovereign shall not, except in the father or mother of the same, be united in the same person.

[Inclosure 2 in No. 459.—Translation.]

OATH OF REGENT.

The president of the council, by the leave of Her Majesty the Queen regent, Doña Maria Cristina Hapsburg-Lorraine, read article 69 of the constitution of the monarchy, which prescribes the oath to be taken by the regent of the Kingdom, and in view of the fact that Her Majesty the Queen, by the death of her much-beloved consort, D. Alfonso XII, is called upon, in accordance with article 67 of the constitution to exercise the regency, and as she has deigned to manifest her free and spontaneous wish to comply with the constitutional provision, in the presence of the council of ministers, having knelt before the crucifix and having placed her hand upon the Book of the Holy Gospels, she pronounced the following oath:

"I swear, by God and the Holy Gospels, to be faithful to the heir of the crown during the minority, and to guard the constitution and the laws, and I promise to repeat this oath before the Cortes as soon as they are assembled. If I do, may God aid and defend me, and if I do not, may He call me to account."

No. 571.

Mr. Bayard to Mr. Curry.

No. 10.]

DEPARTMENT OF STATE,
Washington, December 5, 1885.

SIR: Calling your attention to the last clause of the commercial agreement of February 13, 1884, by which Spain practically guaranteed the suppression of the fees on tonnage then exacted by the Spanish consuls here on the cargoes of vessels leaving the ports of the United States for Cuba and Porto Rico, I have to say that, as appears by the inclosed copy of a letter from New York, these fees continue to be exacted, to the great harassment of our commerce.

Please state what action has been taken by the Spanish Government in the direction of suppressing these fees; and should you conclude that the matter requires further representations on the part of the legation, I will thank you to make them.

Referring to instructions No. 111 of 10th November, 1882, No. 142 of 3d March, and No. 151 of 14th March, 1883, on the consular tariff of Spain, and other correspondence,

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 10.]

Messrs. Alexandre & Sons to Mr. Bayard.

NEW YORK, November 28, 1885.

SIR: We beg to advise your Department that the Spanish consul continues to exact a duty of 10 cents per 1,000 kilos (2,200 pounds) as tonnage dues on cargo shipped by our steamers to Havana, which we were led to think was contrary to intention of the late treaty made between United States and Spain, and so have continued paying same under protest.

Can we not hope that this may be stopped?

Respectfully,

F. ALEXANDRE & SONS.

No. 572.

Mr. Bayard to Mr. Curry.

No. 11.]

DEPARTMENT OF STATE,
Washington, December 10, 1885.

SIR: Referring to the instruction (No: 409) sent to your legation on the 4th ultimo, respecting the duty collected at Barcelona on a cargo of old metal shipped from Cuba by Mr. F. B. Hamel, an American citizen, I inclose for your further information a copy of a letter which states that in 1873 the Cortes passed a law admitting old metals free when brought from the Antilles, and that the law has not been repealed. Please ascertain the facts, and if the statement is correct make use of the argument suggested to fortify the instructions heretofore given you in this case.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 11.]

*Mr. John B. Hamel to Mr. Bayard.*PHILADELPHIA, *December 2, 1885.*

SIR: In addition to all the evidence I have presented to the Department claiming from Spain a restitution of the moneys unlawfully collected from the agents of F. B. Hamel in Barcelona, and claiming that the old metals shipped by him from Havana, Island of Cuba, should be admitted free of duty in Barcelona, I have discovered that in 1873 a law was passed in the Cortes admitting old metals free of duty when imported from the Antilles. That law was never rescinded, and could not be by royal order, but must be done by the Cortes, the same as the tariff cannot be altered in the United States except by act of Congress. Will you kindly remit this to our minister?

Your obedient servant,

JOHN B. HAMEL.

CORRESPONDENCE WITH THE LEGATION OF SPAIN AT
WASHINGTON.

No. 573.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, January 8, 1885. (Received January 9.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to inform the honorable Secretary of State of the United States that, according to advices received both from the consulate in New York and from that at Key West, a lottery has been established in the latter city, the object of which is the collection of funds to fit out piratical expeditions to the island of Cuba.

As lotteries are prohibited in most of the States of the North American Union, and in view of the reprehensible purpose of those persons,

i. e., to disturb the peace and order in a province belonging to a friendly nation, the undersigned trusts that the honorable Secretary of State will, so far as the laws of this Republic enable him to do so, prevent the Cuban filibusters from carrying out their design.

The undersigned, thanking the Hon. Frederick T. Frelinghuysen in advance for the interest which he will doubtless take in this matter, gladly avails himself, &c.,

JUAN VALERA.

No. 574.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, January 15, 1885. (Received January 16.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to inform the Hon. Frederick T. Frelinghuysen, Secretary of State of the United States, that, according to information which he has received from the consul of Spain at Key West, the Cuban insurgents residing there are actively engaged in fitting out another expedition, which they propose shortly to send to the island of Cuba.

The undersigned calls the special attention of the honorable Secretary of State to the attitude of these constant disturbers of the tranquillity of Spain, and he trusts that he will speedily take suitable measures to arouse the vigilance of the authorities at Key West, so that they may prevent the commission of any illegal act against a peaceable country which is friendly to the United States.

JUAN VALERA.

No. 575.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, January 16, 1885.

SIR: Acknowledging the receipt of your note of yesterday, in which you bring to the knowledge of the Department a report of a fresh filibustering expedition against Cuba being actively organized at Key West, I have the honor to say that I have communicated with the Departments of Justice, the Treasury, and the Navy, and with the governor of Florida (by telegraph), to the end that all possible concerted action may be had to prevent a violation of the neutrality laws as apprehended. The result will be made known to you.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 576.

*Mr. Frelinghuysen to Mr. Valera.*DEPARTMENT OF STATE,
Washington, January 21, 1885.

SIR: Referring to your note of the 15th instant, communicating a report of fresh movements against the peace of Cuba, I have the honor to say that, as appears by letters of the 17th instant and later, the Attorney-General and the Secretaries of the Treasury and Navy Departments have given strenuous instructions to their officers in and about Key West (some of which have already been carried out), to the end of preventing by all possible methods the threatened violation of our neutrality laws.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 577.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, January 26, 1885. (Received January 28.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor, by order of his Government, to inform the honorable Secretary of State that, in view of the importance of the Spanish establishments on Rio Oro (Gold River), latitude $23^{\circ} 36'$ north, longitude $9^{\circ} 49'$ west, at Angra de Cintra, latitude $23^{\circ} 6'$ north, longitude $10^{\circ} 1'$ west, and Bahia del Oeste (Western Bay), latitude $20^{\circ} 51'$ north, longitude $10^{\circ} 56'$ west) on the west coast of Africa, and in view of the documents which the independent tribes of that portion of the coast have signed in presence of the representative of the Spanish Society of Africanists and Colonists during the expedition which he made in the month of November last, His Majesty King Alfonso XII has been pleased to confirm the instruments signed in presence of the aforesaid representative, and to take under his protection the territories on the west coast of Africa comprised between the aforesaid Western Bay and Cape Bojador (latitude $26^{\circ} 8'$ north, longitude $8^{\circ} 17'$ west), and wherein are comprised, in addition to the localities mentioned, Las Puntas and La Bombarda, without prejudice to existing rights of third parties that may be proved.

The undersigned, &c.,

JUAN VALERA.

No. 578.

*Mr. Frelinghuysen to Mr. Valera.*DEPARTMENT OF STATE,
Washington, January 28, 1885.

SIR: Acknowledging the receipt of your note of the 8th instant, I have the honor to state that, as appears by his letter of the 24th instant, the governor of Florida, after much pertinent inquiry, is unable

to ascertain that the lottery for collecting funds to be used against Cuba, of which a report had reached you, has any real foundation; but the laws of the State will be enforced in the case if such a lottery should be established.

As regards the late report of a contemplated fresh invasion of Cuba from Key West, the governor observes in letters of the 17th instant that he cannot discover any truth in the rumor, but has taken precautionary action, notwithstanding.

Adding that a letter from the Treasury Department of the 27th instant conveys a like statement from the collector of customs at Key West, I improve, &c.,

FRED'K T. FRELINGHUYSEN.

No. 579.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, February 27, 1885.

SIR: Referring to quite recent correspondence, touching a report of the establishment at Key West of a lottery in the interest of political adventurers having designs against the peace of Cuba, I have the honor to say that according to a letter of the Postmaster-General, founded on official reports of his Department, there is discovered no foundation for the rumor in question.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 580.

Mr. Valera to Mr. Bayard.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, March 21, 1885. (Received March 23.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to address the Hon. Thomas F. Bayard, Secretary of State of the United States, for the purpose of calling his attention to a rather disagreeable matter, concerning which he desires to trouble him as little as possible, but still does not wish to be charged with neglect in regard to it.

Far from having any ground for complaint, the undersigned and the Government which he represents feel grateful to the late administration of the Government of this great Republic for the good faith and zeal with which it endeavored (notwithstanding the great freedom enjoyed here and the insufficiency at times of the preventive laws) to prevent any disturbance of public order in the neighboring provinces of a friendly nation; yet both hope for still more from the lofty conscientiousness, the uprightness and philanthropy of the men in whose hands the executive power of this Government now is.

It is not now asked that the laws which are here called neutrality laws may be enforced. This would be done if civil war should again

unfortunately break out in Cuba and there should be anything like an army fighting for independence, against another which upheld fidelity to the mother country and the union of Cuba therewith; fortunately, however, there are now only here and there a few lawless adventurers who, under political pretexts, begin in New York, Key West, and other places, by taking advantage of the credulity of a few enthusiasts, and extort money from them in a thousand different ways; they next proceed to make a semblance of carrying out their promises, and, if they have sufficient courage, go to the island of Cuba, where, instead of becoming revolutionary liberators, they lead the life of outlaws, in the company of other lawless men, plundering and stealing whatever they can lay their hands on, burning plantations, kidnapping wealthy persons for the purpose of obtaining a large ransom for their release, and endeavoring to elude the pursuit of the officers of justice in the uninhabited districts of the island, all of which cannot fail to result in their violent death or imprisonment for life.

In order to prevent such evils as far as possible, the undersigned hopes that the Hon. Mr. Bayard will be able to cause the issuance of suitable orders to prevent expeditions from going to Cuba, and likewise to prevent any steps from being taken for their organization. Some of the means used by the filibusters to secure means for fitting out such expeditions are expressly forbidden by the laws of this Republic, although their object itself is not condemned. Such is, for instance, the lottery; and by way of furnishing evidence that tickets are sold here as though for the drawings of a branch of the Havana lottery, the undersigned herewith sends Mr. Bayard one of those sold at Key West. Public conspiracies are carried on, moreover, in that city against the peace of Cuba; meetings are held at which it is resolved to disturb that peace, and to purchase for that purpose rifles, percussion caps, and cutlasses, and to enlist adventurers.

Not a few of these conspirators, abusing the generous hospitality extended to them by this nation, have become American citizens, for the sole purpose of injuring us with impunity under the protection of a citizenship which they value only as it enables them to do this, and which is productive of no advantage whatever, but redounds greatly to the disadvantage of the nation which harbors them.

The undersigned repeats that he is very sorry to be obliged to call the attention of Mr. Bayard to these evils, which he hopes will be remedied as far as possible, since the burning of plantations and robberies will thereby be prevented in Cuba, as well as bloodshed, and perhaps the death of the very persons who go there in order to cause all this harm, yet whose punishment, after all, must inevitably grieve those who inflict it.

The undersigned, &c.,

JUAN VALERA.

No. 581.

Mr. Bayard to Mr. Valera.

DEPARTMENT OF STATE,
Washington, March 31, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, in which you call the attention of the Department to the means employed, as alleged, by persons in this country who plot

against the peace of Cuba, for the accomplishment of their designs, and more especially to the method of acquisition through the sale of lottery tickets in the United States.

I cannot refrain from expressing the appreciation felt by the Government, of your assurances, so frankly and courteously given, touching the energy and sincerity with which the United States has endeavored to prevent the forwarding of aid from our shores to parties engaged in promoting insurrection in Cuba, while at the same time, as regards the special communication of your note, I beg to observe that so far as concerns furnishing funds to support Cuban insurrections, this Government can do no more than to recur to the often announced intention to prosecute all persons concerned in disturbing the peace of a friendly foreign State, so far as permitted by the neutrality and cognate statute of the United States.

So far as concerns the sale of lottery tickets in particular States, the matter is for State legislation. There is no Federal statute prohibiting sales either of lottery tickets or any other article of traffic, on the ground that the proceeds are to be applied to aid insurgents in a foreign land, nor is it a principle of international law that a sovereign is bound in any sense to prohibit sales of any kind on the ground that the proceeds might go to unlawful objects.

There are, however, in most of the States in the Union statutes providing for the punishment of those concerned in lottery tickets, without reference to the object to which their proceeds may be applied. To secure the prosecution and conviction of the offenders in such cases the proper course is to apply to the authorities of the State where the lottery tickets complained of are sold, bringing the matter to their attention by an oath made by a proper presentation to a State magistrate.

Accept, &c.,

T. F. BAYARD.

No. 582.

Mr. Valera to Mr. Bayard.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, May 26, 1885. (Received May 28.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to address the honorable Thomas F. Bayard, Secretary of State of the United States, in order to inform him that the consul of Spain at New Orleans has received intelligence of the existence of arms and munitions of war intended for an expedition against Cuba, on board of a small bark named *Adelina*, at present in the waters of New Orleans, and that there is, moreover, another deposit of munitions in a private house in that city, and that these are about to be shipped, with the like destination, upon the brigantine schooner *Mexico*, chartered by the filibusters.

The collector of New Orleans, General Badger, and the marshal, Mr. Pitkin, are informed already of these facts. The former has offered to take the necessary steps to prevent the departure of any filibustering expedition, or of any articles contraband of war, but the latter states that in order to act in this matter he needs the authorization of his superior, the Attorney-General.

The marshal, Mr. Pitkin, was authorized by the former Attorney-General of the United States to intervene in the cases of this kind which might arise in the city of New Orleans, and the undersigned minister begs that, and will be thankful to the honorable Secretary of State if, he will request the present Attorney-General to renew the said authorization for the present case and others of this nature which may arise in that port and within his jurisdiction.

The undersigned, &c.,

JUAN VALERA.

No. 583.

Mr. Bayard to Mr. Valera.

DEPARTMENT OF STATE,
Washington, May 28, 1885.

SIR: I have the honor to acknowledge the receipt to-day of your note of the 26th instant, in which you inform me that the Spanish consul at New Orleans has intelligence of certain deposits of arms and munitions in the city of New Orleans, and on board of a vessel in the waters of that port, which are said to be intended for the equipment of a filibustering expedition against Cuba. In view of this you ask that the United States marshal at New Orleans be instructed, as on previous occasions, by the Attorney-General, to take action in the case, seconding the action of the collector of the port, who, as you say, is prepared to act under his standing orders.

I have hastened to transmit your note to the Attorney-General, with the request that the agents of his Department at New Orleans be instructed by telegraph that, so soon as the judicial mechanism necessary for the enforcement of the laws applicable to the case shall have been set in motion by due information made under oath by some person cognizant of the facts alleged, or possessing belief sufficient to that end, those officers shall lend all due aid to further the ends of justice.

I have also transmitted a translation of your note to the Secretary of the Treasury, to the end that the co-operation of the revenue officers in the enforcement of the law may be assured.

Accept, &c.,

T. F. BAYARD.

No. 584.

Mr. Bayard to Mr. Valera.

[Extract.]

DEPARTMENT OF STATE,
Washington, June 13, 1885.

SIR: * * * I take this occasion to communicate, in connection with the note addressed to you on the 28th ultimo, the following terms of a telegram from the Treasury Department on the 29th ultimo, to the collector of customs, New Orleans, viz:

You will give United States attorney and officers acting under his direction, all aid that may be legally given to prevent the shipment of arms by bark *Adelina* or other vessel in expedition against Cuba in violation of neutrality laws.

Accept, &c.,

T. F. BAYARD.

FOREIGN RELATIONS.

No. 585.

Mr. Valera to Mr. Bayard.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, July 21, 1885. (Received July 23.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to address the honorable Secretary of State of the United States for the purpose of informing him that, as he must be aware from his own experience and from the documents that must be on file in the Department of State, he errs more from remissness than from zeal and insistence in presenting his complaints, and that, in making the present complaint, he has been impelled to do so by the chief magistrate of the island of Cuba and by his own Government, both of which are painfully surprised at the boldness and insolence with which conspiracies are carried on in various parts of this Republic, especially in New York, New Orleans, and Key West, against the public peace of Spain and against the integrity of its territory, by endeavoring to collect funds for piratical enterprises, by forming associations for this purpose, and by holding public meetings at which Spain is outraged by all sorts of insults and calumnies, and at which those present are incited to rebellion and civil war.

The Spanish Government is aware of the great and almost unbounded freedom that is granted by the laws of this Republic to the manifestation of human will and the expression of human thought. Notwithstanding this, it is unable to understand how certain acts in contravention of international law and to the prejudice of a friendly nation can be permitted or tolerated. Thus, for instance, when the news was received at Key West of the landing in Cuba of the expedition of Limbano Sanchez, that event was publicly and noisily celebrated with the knowledge and permission, if not with the open approval, of the local authorities, and not a few houses in the city were decorated with insurgent flags.

In order to collect funds for the purpose of again lighting the torch of civil war in Cuba, or at least for that of sending to Cuba parties of heartless plunderers, who burn, pillage, and kidnap, recourse is had to methods which are unlawful in many States of this Republic, without any reference to the object thereof, such as, for instance, the sale of lottery tickets.

The meetings which are held with a view to the fitting out of piratical expeditions are announced and convoked without the slightest concealment in the newspapers; the organizers of these meetings, that no doubt may be entertained with regard to the object which they have in view, style themselves generals. Even in the insurgent newspapers the talk is of arms, munitions, and other means of destruction that are to be sent to Cuba.

And against all these attempts to commit crime, which are crimes in themselves, no efficient repressive, or, at least, no preventive, measures are adopted. The insurgent refugees consequently boast of being rather protected than held in check, and this encourages them to greater boldness and incites them to continue their criminal undertakings.

The Hon. Mr. Bayard, Secretary of State, has said on previous occasions, in reply to various complaints presented by the undersigned, that the courts of the country are open to us; but, not to speak of the

fact that this method of obtaining satisfaction is almost always very costly and inefficient, it implies the uselessness of a diplomatic representative and presupposes that the friendly relations between the two countries are as if they did not exist, since in order to bring a case before the courts a mere private citizen or an attorney or mandatory of the Government concerned is sufficient.

Another serious argument against appealing to the courts is furnished by the system of trial by jury. The plaintiff would be a Government, that is to say, a moral entity. If there is no antipathy to this entity, it is not likely that any sympathy with it exists, while in Key West, for example, the Cuban refugees, who would be the defendants, live on the most familiar terms with the native citizens of that locality.

It is therefore evident, or almost certain, in view of the natural condition of things in this world, that the defendants would be acquitted, as has already been the case on several occasions. Take the case of the extradition of Agüero, who was not only acquitted, but after his acquittal was drawn in triumph through the streets of Key West, several local officers joining in the procession, and who was encouraged and assisted to go to Cuba, where, after pillaging, burning, and committing a thousand other crimes, like an outlaw, as he was, he received the reward that he deserved, viz, that of being shot.

The Hon. Mr. Bayard, Secretary of State, is doubtless acquainted with the character of the undersigned and knows that he is not given to flattery, and that he understands and sincerely respects all that is good and great in this Republic; for this very reason, however, he deplores and regards as almost incomprehensible this laxity in defending a friendly nation from the attacks of any conspirator, and this singular idea of calling neutrality this lack of discrimination between a legitimate and civilized Government, which is regarded as friendly, and an outlaw who seeks to make war upon that Government by means of robbery, plunder, and incendiarism. One would think that there was no room for neutrality in such a case, and that none was possible between two parties whose characters are so entirely distinct. One can understand how protection and generous hospitality may be accorded in this great Republic to any one seeking refuge in it, and how such a one may at length be honored with the title and status of a citizen, but it seems incomprehensible that this should be done in order that, under the shadow of its glorious flag and believing himself to be protected and defended by it, he may endeavor to gratify with impunity all his evil passions and all his low aims and appetites; for many collect money in order to go to Cuba, and then, by way of furnishing evidence that they have received it, go there.

At the present time, notwithstanding the financial difficulties through which Cuba is passing, the secession party there has not sufficient strength to set on foot a rebellion that could result in the independence of Cuba or in a serious civil war. Consequently all who go, like all who have gone on filibustering expeditions, go, only, although with a political pretext, to live on robbery, like a party of bandits in the wilderness.

Thus it is, that this Government ought (even from feelings of humanity, if feelings of friendship are not sufficient to induce it to do so) to prevent such piratical expeditions with a firmer hand than it has hitherto done, since they are a blot upon civilization, under whatever pretext they are organized, and since (the undersigned is sure of this) they can now result in nothing but the disastrous death of the criminals or dupes who take part in them.

The undersigned, in calling the attention of the honorable Secretary

of State to these matters, expresses the sentiments of his Government, and at the same time his own, and feels confident that the United States Government will appreciate at their just value the force of the reasons above stated, and that it will do all in its power to prevent attempts from being made in so conspicuous and scandalous a manner against the peace, the welfare, and the territorial integrity of a friendly nation, &c.

The undersigned, &c.,

JUAN VALERA.

No. 586.

Mr. Bayard to Mr. Valera.

DEPARTMENT OF STATE,
Washington, July 31, 1885.

SIR: At the earliest moment compatible with a due consideration of the subject presented, I take pleasure in replying to the note of the 21st instant which you did me the honor to address to me concerning the manifestations of disaffected Cubans and their sympathizers in the United States, and the powers and duty of this Government, under existing law, in respect of such manifestations.

The frankness and energy with which you present, at the instance of the chief magistrate of the island of Cuba and on behalf of your Government, the considerations which you deem pertinent to the matter would cause a mere summary of your argument to suffer by comparison. Nor does it appear necessary to the purposes of this reply that I should recite your premises *seriatim*. It will be sufficient to regard the object you appear to have in view, which I take to be to cast upon the Government of the United States implied responsibility for "permitting" or "tolerating" expressions of sympathy in the United States on the part of those misguided persons who seek to disturb the peace of Spain, and to urge the obligations of this Government to prevent such expressions from being made. Incidentally you appear to impugn the sufficiency of the existing modes of procedure in the United States with reference to infractions of law, as, for instance, when you advert to the apprehended results of trial by a jury of the vicinage where the offense may have been committed, and assume that the prevalence of popular sympathy with the accused would "almost certainly" result in acquittal.

While the tenor of your note leads me to believe that you hold it the duty of a Government to repress outward manifestations of opinions which may result in overt violations of law, I would perhaps do you injustice if I thought you held it likewise an obligation on the part of the Executive to repress public sympathy with the actors in the case.

The sympathies of masses of men may be mistakenly bestowed upon unworthy objects, but error of this character is not in itself a crime amenable to the punitive arm of justice.

As you are aware, the Executive of the United States has no authority to take cognizance of individual opinions and the manifestation thereof, even when taking the shape of revolutionary or seditious expressions directed against our own Government; and it is no less incompetent to pass upon the subversive character of utterances alleged

to contravene the laws of another land. In the early life of this Government an attempt was made by the "alien and sedition" acts, passed in 1798, to invest the Executive with authority over those persons, strangers or natives, who might by conduct short of overt crime imperil the stability of the infant state, but those acts were exceedingly obnoxious to the majority of the American people, and by their own terms were of very limited duration, and since their expiration public opinion would never have justified their re-enactment. The people of the United States became early convinced of the uselessness and unwisdom of such statutes. Error being in such cases its own corrective, a safeguard is found in the fact that the open proclamation of nefarious intent renders it harmless.

In passing from the mere announcement of the purpose to do unlawful acts to the overt commission thereof, the domain of statute law is entered. Our laws define and punish acts against the peace and safety of our own country and of friendly states. The neutrality act prescribes the duty of this Government in respect of acts harmful to its neighbors. And here let me notice the impression which seems to mark a part of your note, that the statute implies a *de facto* neutrality toward both the foreign state and those whose acts within our jurisdiction may disturb its peace.

You say that you deplore—

As almost incomprehensible this laxity in defending a friendly nation from the attacks of any conspirators, and this singular idea of calling "neutrality" this lack of discrimination between a legitimate and civilized Government, which is regarded as friendly and an outlaw who seeks to make war upon that Government by means of robbery, plunder, and incendiarism. *One would think that there was no room for neutrality in such a case, and that none was possible between two parties whose characters are so entirely distinct.*

I need scarcely remind you that the phrase "neutrality act" is a distinctive name, applied for convenience sake merely, as is the term "foreign enlistment act" to the analogous British statute. The scope and purpose of the act are not thereby declared or restricted. The act itself is so comprehensive that the same provisions which prevent our soil from being made a base of operations by one foreign belligerent against another likewise prevent the perpetration within our territory of hostile acts against a friendly people by those who may not be legitimate belligerents, but outlaws in the light of the jurisprudence of nations. There is and can be no "neutrality" in the latter case. If the hostile party carries his hostility beyond the pale of law, he commits a crime against the United States and is amenable to the prescribed process and punishment.

This Government administers its own law in the case; it does not assume to visit with penalty conduct which, if committed within a foreign jurisdiction, might be punishable therein. To do otherwise would be, in effect, to attempt to recognize and administer within the sovereignty of the United States a domestic law of another sovereign. As I intimated in my note to you of May 28 last, proceedings under the "neutrality laws" of the United States are "set in motion by due information made under oath by some person cognizant of the facts alleged or possessing belief sufficient to that end," but they are so set in motion in the name, and by the power, and through the officers of the Government of the United States. Prosecutions against any who are alleged to have contravened those laws are not by suit *inter partes*, but in the name and behalf of the Government of the United States

against the accused. The foreign Government against whose peace the alleged hostile act may be directed is not a plaintiff in the action, as you seem to suggest. The Government of the United States is the plaintiff.

The injury complained of is not to the foreign Government, but to the peace and good order and laws of the Government of the United States. And the Executive can no more punish or repress offenses of this nature without the judicial ascertainment of the fact that an unlawful act has been committed than it could by administrative mandate award death on a charge of murder. Neither in the one case nor in the other could the representations of parties claiming to be aggrieved override the indispensable requisite of a judicial proceeding. The fact that the imputed act of wrong doing may, in its result, affect the peace of another state, does not supersede the law applicable to the case, and recourse to that law cannot "imply the uselessness of a diplomatic representative."

This Government does not and cannot undertake, as I have shown, to control the workings of opinions, sympathy, and affiliation of sentiments, and the expression thereof is not punishable in this country by law; but any affidavit, founded even upon mere information or belief, charging a breach of any public law regulating acts against the peace or safety of a foreign state, will lead to an examination and a prosecution by the district officers of the United States wholly at the public cost should the facts thus alleged *ex parte* be found to bring the matter within the purview of the statute.

The law, being so in control of the case, must follow it to the end. The Executive has no authority over the judiciary. The expressions of sympathy cannot be controlled, however misplaced. The acquittal of persons charged with the most detestable crimes against society, sometimes in the face of overwhelming evidence of guilt, is frequently accompanied by the acclaim of a reckless, unthinking body of sympathizers.

The Government of the United States is able confidently to aver the fullest compliance, *uberrima fide*, with its obligations to the friendly power of Spain, and to avow also its readiness to set in motion instantly all the ample machinery of its laws to prevent and punish any invasion of or intrusion upon her peace, her honor, and her possessions.

The indignation you feel, and which is reflected in your note, is doubtless very natural, but in the name of the United States, and in the interest of the harmony and good understanding which it is our common duty and pleasure to endeavor to maintain, I am constrained to deprecate the deflection of any portion of that indignation from its legitimate objects towards the Government of the United States or its officials, who, I am glad to say, heartily join with you in reprobation of those who defy law, whether in Cuba or in the United States.

In conclusion, permit me to assure you that if any attempt on your part or by your agents to cause the laws applicable to the case, and the international obligations of the United States, to be respected to their fullest extent shall fail, and the incident be brought to the notice of this Department, it will promptly lend its aid to vindicate the law and enforce its remedies.

Accept, &c.,

T. F. BAYARD.

No. 587.

Mr. Valera to Mr. Bayard.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, September 28, 1885. (Received October 2.)

The undersigned, envoy extraordinary and minister plenipotentiary of his Majesty the King of Spain, has the honor to inform the Hon. Thomas F. Bayard, Secretary of State of the United States, that, as he is informed by the consul-general of his nation at New York, the Cuban revolutionists are preparing to celebrate in that city the anniversary of the outbreak of the insurrection of 1868, for which purpose they have already appointed a committee of arrangements.

The undersigned minister, in bringing this matter to the knowledge of the honorable Secretary of State, does so solely in order that the administration may be prepared to repress any expedition against the peace and tranquillity of the island of Cuba that the insurrectionists may, perchance, desire to set on foot as a concomitant to their aforesaid celebration.

The undersigned, &c.,

JUAN VALERA.

No. 588.

*Mr. Bayard to Mr. Valera.*DEPARTMENT OF STATE,
Washington, October 6, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, relative to the threatened inauguration in New York, by Cuban revolutionists, of proceedings against the peace and tranquillity of the island of Cuba, and to inform you that the Attorney-General has been requested to take such steps in the matter, through the United States district attorney at New York, as may be necessary to preserve the neutrality of this Government, and secure the enforcement of its laws in that regard.

Accept, &c.,

T. F. BAYARD.

No. 589.

*Mr. Bayard to Mr. Valera.*DEPARTMENT OF STATE,
Washington, October 8, 1885.

SIR: Referring to your note of the 28th ultimo, as to a possible expedition to be set on foot in this country, against the peace of the island of Cuba, I have the honor to say that the attorney of the United States at New York has been directed to exercise all possible vigilance to discover and use means to prevent any violation of the neutrality laws in the direction indicated.

Accept, &c.,

T. F. BAYARD.

No. 590.

Mr. Valera to Mr. Bayard.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, October 10, 1885. (Received October 12.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor, referring to his note of the 6th instant, to send to the honorable Thomas F. Bayard, Secretary of State of the United States, the inclosed check for \$7,987.80, being the amount of the claims presented by the United States Government to that of His Majesty the King in behalf of several American exporters of cattle to the island of Cuba via the port of Key West.

The accompanying table shows the names of the vessels, the number of head of cattle exported, the duties collected by the consulate of Spain, and the amount refunded to each exporter.

The undersigned minister begs the honorable Secretary of State to be pleased to acknowledge the receipt of this amount, and he gladly avails himself, &c.

JUAN VALERA.

[Inclosure.]

MINISTRY OF STATE—SECTION OF ADMINISTRATION.

Vessels.	Head of cattle.	Duties collected.	Amount refunded.
North American steamer Alabama	11,644	\$4,657 60	\$3,493 20
Ellie Knight	5,976	2,390 40	1,792 80
Lucy P. Miller	4,272	1,708 80	1,281 60
North American schooner Asa Eldridge	1,435	574 00	430 50
Sarah Hall	1,279	511 60	383 70
Spanish steamer Guillermo	875	350 00	262 50
North American steamer Mira E. Pratt	421	168 40	126 30
Spanish steamer Habanero	275	110 00	82 50
American schooner Arietis	100	40 00	30 00
Alice Vane	100	40 00	30 00
Palma	97	38 80	29 10
American steamer Hutchinson	89	35 60	26 70
Morgan	57	22 80	17 10
Chase	6	2 40	1 80
Total	26,626	10,650 40	7,987 80

No. 591.

Mr. Bayard to Mr. Valera.

DEPARTMENT OF STATE,
Washington, October 14, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, and of the check on Messrs. Riggs & Co. for \$7,987.80 which it inclosed, being an amount of taxes or fees on shipment of cattle (over and above a certain charge) exacted by the Spanish consul at Key West in 1882, and paid by certain American shippers, James McKay and others. The amount returned will be delivered to the persons thereto entitled.

Accept, &c.,

T. F. BAYARD.

No. 592.

Mr. Valera to Mr. Bayard.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
November 18, 1885. (Received November 18.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, referring to his note of the 6th of October last, has the honor to transmit to the Hon. Thomas F. Bayard, Secretary of State of the United States, the inclosed draft, indorsed to his order, for \$52,939.72. This amount is sent by way of indemnity for the fine imposed by the central custom-house board of the Philippines upon Capt. Osman S. Nichols, of the American bark *Masonic*, and includes interest at 6 per cent., payable from the 27th of June last, on which day the decision was rendered, up to the 23d instant, when payment was made. The undersigned begs the honorable Secretary of State to be pleased to acknowledge the receipt of the amount in question, and gladly avails himself, &c.

JUAN VALERA.

No. 593.

Mr. Bayard to Mr. Valera.

DEPARTMENT OF STATE,
Washington, November 25, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant and of the draft which it inclosed, to the order of the Secretary of State, for \$52,939.72, sent by way of indemnity to the claimant in the case of the *Masonic*, the amount named including the sum of \$1,265.65 interest on the award of the arbitrator.

The high sense of honor shown by His Majesty's Government in dealing with this case is appreciated by the Government of the United States. I inclose the claimant's receipt.

Accept, &c.,

T. F. BAYARD.

No. 594.

Mr. Valera to Mr. Bayard.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, November 28, 1885. (Received December 2.)

I perform a painful duty in communicating to your excellency the following telegram, which I received on the 25th instant, at 11 o'clock p. m. It officially confirms the sad news which we already knew from common report:

The minister of state to the minister of Spain at Washington.

EL PARDO PALACE, *November 25, 1885.*

In the discharge of the saddest duties, I have to inform your excellency of the premature death of His Majesty Don Alfonso XII, which took place to-day, at this royal

palace, at a quarter before 9 o'clock in the morning. The cabinet ministers at once respectfully tendered their resignations to the Queen, expressing their readiness to continue in office until Her Majesty should reach such a decision as she might deem best suited to the interests of the nation and of her august daughter.

I have delayed transmitting the foregoing communication to your excellency, awaiting the receipt of official information with regard to the changes that might be made in the *personnel* of the Government, inasmuch as Mr. Cánovas, president of the late cabinet, had tendered his resignation to the Queen regent. The latter has accepted it, and has requested Mr. Sagasta to form a new ministry, which, as I am officially informed, has now been done. The names of the new ministers are given in the following dispatch:

The ambassador of Spain at Paris to the minister of Spain at Washington.

PARIS, November 28, 1885.

The ministry of which Mr. Cánovas del Castillo was president having resigned, Her Majesty the Queen regent has intrusted the formation of a new cabinet to Mr. Sagasta, and it has been formed as follows, the members having taken the oath of allegiance to Her Majesty last night:

President, Sagasta; state, Moret; grace and justice, Alonso Martinez; war, Jovellar; government, González; public works, Montero Rios; colonies, Gamazo.

I communicate to you the foregoing by order of the minister of state.

CARDENAS.

I avail, &c.,

JUAN VALERA.

No. 595.

Mr. Bayard to Mr. Valera.

DEPARTMENT OF STATE,
Washington, December 5, 1885.

SIR: I had the honor to receive, on the 30th ultimo, your note of the 28th, whereby you communicated to me the sad intelligence which had reached you of the death of His Majesty Don Alfonso XII, and acquaint me with the organization of the Government of Her Majesty, the Queen regent.

Immediately upon the receipt of the like intelligence from the legation of the United States at Madrid, the envoy was instructed by telegraph to tender the sincere condolences of the Government and people of the United States with Her Majesty the Queen regent in her deep bereavement, and to express their wishes for the continued welfare of Spain under the wise rule of Her Majesty.

Accept, &c.,

T. F. BAYARD.

No. 596.

Mr. Bayard to Mr. Valera.

DEPARTMENT OF STATE,
Washington, December 7, 1885.

SIR: With reference to the information recently communicated by you, of an intended violation of the neutrality laws, by the fitting out of an expedition at Key West against the peace of Cuba, I have the

honor to say that according to telegrams of the 2d instant from the United States attorney and collector of customs at Key West thorough precautionary measures have been taken to prevent any attempted departure of suspected persons upon such an expedition.

Accept, &c.,

T. F. BAYARD.

SWEDEN AND NORWAY.

No. 597.

Mr. Thomas to Mr. Frelinghuysen.

No. 100.]

LEGATION OF THE UNITED STATES,
Stockholm, February 2, 1885. (Received February 19.)

SIR: I have the honor to inform you that the doctrine of protection of home products by the imposition of duties on imports is gaining ground in Sweden. The most active protectionists in this kingdom at present are the large landed proprietors, and their efforts are chiefly directed to the protection of the products of their estates.

The Swedish Diet was opened on January 19; the committees were chosen on January 24, and already motions have been made, in both the upper and lower house, that duties be placed on the agricultural products imported into Sweden. These motions propose the imposition of duties on pork, wheat, maize, peas, barley, oats, flour, groats, butter, and cheese. All these articles are now duty free, except cheese, on which there is a duty of 7 öre per kilogram. The amount of duty asked for varies greatly in the different motions, being from 1½ to 12 crowns per 100 kilograms on wheat, 2½ to 15 crowns per 100 kilograms on flour and meal, and 10 to 15 crowns per 100 kilograms on pork. These motions have all been referred to the committee on ways and means, a joint standing committee composed of members of both houses of the Diet. The committee will give the subject a careful and thorough investigation, and will probably not report thereon for several weeks, perhaps not till the latter part of March. The matter will be fully discussed and excite an earnest contest both in committee and in the Diet between the protectionists and the free-traders.

Sweden until very lately has been inclined towards free trade. At the present moment, however, it is impossible to predict whether the attempt to place duties upon the necessities of life will succeed or not, still less what will be the amount of such duties. It is certain that the contest will be close, and it is well that American farmers and exporters be warned of an impending danger.

The proposed duties are for protection, pure and simple. The exigencies of the Swedish treasury demand no new tax. Not only that, but in so large measure do the present revenues of Sweden exceed her expenses that the King in opening the Diet recommended a reduction of 30 per cent. in some of the chief taxes of the realm.

The significance of the proposed duties to America will be appreciated when it is recollected that the import of pork alone into Sweden amounts in value to \$2,000,000 a year, and is almost exclusively the product of the United States.

I would further call attention to the fact that the proposed duties concern Sweden alone and do not affect the sister Kingdom of Norway.

I can assure you that I am keenly alive to the importance of these measures, and I will inform you at once of every stage of their progress.

I have, &c.,

W. W. THOMAS, JR.

No. 598.

Mr. Thomas to Mr. Bayard.

[Extract.]

No. 107.]

LEGATION OF THE UNITED STATES,
Stockholm, March 7, 1885. (Received March 23.)

SIR: I have the honor to address you upon the proposed duties on grain and pork imported into Sweden.

Referring to my dispatch No. 100 on this subject, I have the honor to add thereto that no less than fifteen motions were made in the Swedish Diet for the imposition of duties upon farm products. All of these motions were referred to the joint committee on ways and means. This committee first considered the propositions for a duty on wheat, and after a full discussion, lasting two days, voted 10 to 9 to report adversely thereon.

The committee then proceeded to the proposed duties on the other kinds of grain and pork, and voted in like manner, 10 to 9, to report adversely on all with the single exception of maize. Upon maize (not ground) the committee yesterday voted 10 to 9 to report in favor of an import duty of one crown (.268 cents) per 100 kilograms (220 pounds).

* * * * *

It is certain that the large protectionist minority of the committee will bring in a minority report in favor of duties upon pork, grain, flour, meal, and probably other agricultural products.

It must be remembered that this matter has not yet got beyond the committee, which up to the present time has not reported thereon. What action the Diet will take it is impossible at this writing to forecast with any degree of certainty. It seems, however, probable that all propositions to impose duties upon agricultural products imported into Sweden will eventually be rejected by the Swedish Diet.

Much interest is manifested in the question throughout Sweden. Public meetings are held in many cities and towns of the Kingdom, and long petitions both for and against the proposed duties are forwarded to the Diet.

I will keep you informed of the further progress of this matter.

I have, &c.,

W. W. THOMAS, JR.

No. 599.

Mr. Thomas to Mr. Bayard.

No. 108.]

LEGATION OF THE UNITED STATES,
Stockholm, March 20, 1885. (Received April 6.)

SIR: I have the honor to inform you of the final action of the Swedish Diet upon the propositions to impose duties on pork and grain imported into Sweden.

I beg to refer in this connection to my dispatches Nos. 100 and 107 upon the preliminary stages of these propositions; also to my cablegram to you of this day. The committee on ways and means of the Swedish Diet, by a vote of 10 to 9, as fully described in my No. 107, reported briefly as follows: That a duty of one crown per 100 kilograms be imposed upon maize (not ground); that all other grain, ground and unground, be admitted duty free; that pork be admitted free.

The minority of nine members of the committee brought in a report placing the following duties:

	Crowns.
On wheat (not ground) per 100 kilograms.....	1. 20
On rye (not ground) per 100 kilograms.....	1
On barley (not ground) per 100 kilograms.....	1
On flour, meal, and groats of every kind, including ground maize, per 100 kilograms.....	2. 50
On pork	10

The committee reported to both chambers at the same time, but the reports were earliest taken up in the first chamber.

The discussion here was long, animated, and exhaustive. The galleries were filled with spectators. Twenty-two speakers addressed the chamber, and were listened to with earnest attention and repeated applause.

I have been a frequent attendant upon the debates of the Diet for the last two sessions, but I have never before seen so lively an interest manifested in any question, both by members and spectators.

At 10 o'clock on the evening of March 18 a vote was reached. The members advanced in line by provinces to the desk of the presiding officer and deposited in a basket their ballots, on which was printed "Ja" or "Nej" ("Yes" or "No"). Next the president called out each ballot, the secretary keeping tally. Then the president rapped to order with his gavel and proclaimed that the first chamber, by a vote of 72 to 52, had rejected all of the minority report imposing duties on grain and the products thereof.

At the morning session on March 19 the first chamber, by a vote of 53 to 46, rejected all that portion of the majority report placing a duty on maize.

The chamber then passed to the consideration of the proposed duty on pork of 10 crowns per 100 kilograms, or \$1.23 per 100 pounds. In the debate American pork was highly praised, and it was stated that the best medical authority in Sweden had declared American pork to be the healthiest and cheapest food. The chamber then voted against the duty on pork, 76 to 42.

The contest in the second chamber was, if possible, more earnest and exciting than in the upper branch of the Diet. The debate on the duties on grain occupied two days, and more than forty speakers addressed the assembly. At half-past eleven on the night of March 19 the debate was closed, and the duties on grain were rejected by a vote of 114 to 93.

This afternoon (March 20) the second chamber voted, 102 to 94, to reject the proposed duty on maize; and then, after a short debate, voted down the duty on pork by a majority so large that it was not counted. Immediately thereafter I cabled the result.

The importance of this parliamentary battle and its fortunate termination will be more accurately estimated when we remember that in 1883, the last year for which official figures have been published, the import of pork into Sweden amounted in value to more than \$2,300,000, and was almost exclusively the product of the United States; also that the value of the import of grain and its products exceeded \$12,000,000.

But this action of the Swedish Diet is not only important; it is significant and timely. At this moment the majority of the nations of Europe are placing protective duties upon the food products of our country. A tide of prohibition against the grain and meat of America is flowing over Europe. This tide is first stemmed in Sweden. Let it not be forgotten that a little more than a century ago Sweden was the first power in Europe next after our ally, France, to recognize the independence of the United States. Let it not be forgotten that to-day, when most of the nations of Europe are building up walls of protection about their borders to keep out the cheap and healthy bread and meat of America, this gallant, considerate, and friendly Kingdom of the north, after full discussion, votes to keep open her ports for the free entry of these products of American soil.

I have, &c.,

W. W. THOMAS, JR.

No. 600.

Mr. Bayard to Mr. Magee.

No. 8.]

DEPARTMENT OF STATE,
Washington, July 31, 1885.

SIR: I transmit herewith for your information copy of a semi-official note and memorandum sent to me by the Swedish minister on the 17th ultimo,* claiming for Sweden and Norway, under the favored-nation clause of the existing treaty of 1827 with the United States, the reductions and exemptions which section 14 of the shipping act, approved June 26, 1884, gives in the matter of tonnage tax and analogous dues to vessels entering the ports of the United States when coming from ports within a defined geographical zone.

A reply to the Swedish minister is still under advisement. The importance of the claim calls for careful consideration. The intention of the act appears to have been to foster relations of intimate good neighborliness with the commercial district in our immediate vicinity. If Sweden and Norway possessed colonies within that district, it is hardly presumable that the benefits accruing to the trade with those colonies would be claimed for the mother country also. There are, however, no Swedish possessions coming within the provisions of the shipping act.

It is also to be observed that the act creates no national favor dependent on the flag of the vessels to which it applies. A Swedish ship coming from a port in the defined zone is treated the same as an American ship coming thence. It is quite apparent that considerations of propinquity may lead to, and indeed demand, special relationships between neighboring states which from their nature are not susceptible of extension to distant regions where such considerations may not exist, and that even an equivalence of reciprocal favor, *quam proxime*, however desirable, may be found impracticable. The special conditions may be deemed in some sort analagous to those on which colonial dependence rests, and as to these *Sweden* holds that the favored-nation treatment cannot apply. (See article 6 of the treaty of 1827.)

It may aid to an examination of this interesting and comprehensive

* For inclosure see document No. 604, p. 789.

question to receive from you a statement of the manner in which the favored-nation clause in other foreign treaties of Sweden and Norway has been construed in case of contention touching reserved privileges.

You will not, however, discuss the question at present with the Swedish minister for foreign affairs.

I am, &c.,

T. F. BAYARD.

No. 601.

Mr. Magee to Mr. Bayard.

[Extract.]

No. 25.]

LEGATION OF THE UNITED STATES,

Stockholm, September 7, 1885. (Received September 21.)

SIR: I have endeavored since my arrival at this legation to ascertain such facts touching the business and other interests of this Kingdom as will acquaint you succinctly with their condition.

During the past five years the city of Stockholm, which is the trade center of Sweden, has had a very rapid growth, with a corresponding and radical advance in prices of real estate. This has stimulated the business interests which have furnished the principal source of employment for both skilled and unskilled labor. Early the present summer a reaction followed the previous years of apparent prosperity, and the consequence has been that many contractors have failed. This has had the attending effect of depressing prices of real estate, lowering of rents, and abandonment of building projects.

Other industries, notably the iron trade, have also been greatly depressed, the output of iron being estimated not to exceed one-half of that in any one year in the past five. This is the most considerable industry for export trade of the Kingdom, exceeding in value all other exported commodities.

The harvest, which is just being gathered, has been greatly damaged by the wet weather of August, and it is estimated will fall below that of last year both in quantity and quality. Prices are uniform with former years.

The money market is somewhat stringent, while interest runs at six per cent. This condition is caused not so much from the scarcity of currency as from the uneasiness experienced by banks and capitalists by the recurring and unallayed rumors of war between England and Russia. So long as these disquieting rumors obtain there will be more or less apprehension in financial circles, thereby lessening ventures and causing a policy of conservatism to be pursued in relation to financial transactions, not so rigidly adhered to in times of less uncertainty. There is a pretty well defined opinion among well-informed business men with whom I have talked that war between the two countries will occur within the next six months. Altogether the business outlook is not encouraging, and the same depressed condition of trade exists in this country as apparently exists elsewhere.

The political condition is extremely quiet. This is the season of the year when relaxation from official life is taken—the ministers being all out of town, and no interest taken in politics. The King is a very pop-

ular ruler; the laws are not exacting, and there is an entire absence of all irritating causes, as there is of discontent or disquiet with the people.

* * * * *

I have, &c.,

RUFUS MAGEE.

No. 602.

Mr. Magee to Mr. Bayard.

No. 34.]

LEGATION OF THE UNITED STATES,
Stockholm, October 9, 1885. (Received October 24.)

SIR: I have the honor to inform you that an application has been made to me as minister resident for the issuing of a passport to an individual, a naturalized citizen of the United States, resident of the Territory of Utah, who purposed going to Finland. I refused the application upon the ground that his only purpose in visiting Finland was to induce the people of that country to emigrate to Utah and connect themselves with the Mormon Church.

In the absence of any instruction, I acted upon my own judgment in this matter, and as the question will, in all probability, present itself again, I desire your instructions as to my duty in the premises, and whether the issuing of a passport, where I am satisfied the applicant is a citizen of the United States, is mandatory or only discretionary with me.

I have, &c.,

RUFUS MAGEE.

No. 603.

Mr. Bayard to Mr. Magee.

No. 16.]

DEPARTMENT OF STATE,
Washington, November 3, 1885.

SIR: Your dispatch, No. 34, of the 9th ultimo, asking for instructions in regard to the propriety of your course in refusing to issue a passport to a naturalized citizen of the Territory of Utah on the ground of his proselyting for the Mormon Church, is received.

As your archives will show, and as you are doubtless aware, in August, 1879, this Government sent circular instructions to all our ministers abroad to request all proper assistance from the Governments to which they were accredited in suppressing the proselyting for the Mormon Church. In the face of such a circular, it would seem to be inconsistent to issue passports to persons who are undoubtedly Mormon emissaries, even if they are American citizens. The law as to issuing passports is permissive, not obligatory, and the decision is left with the Secretary of State under section 4075 of the Revised Statutes.

Inasmuch as polygamy is a statutory crime, proselytism with intent that the emigrants should live here in open violation of our laws would seem to be sufficient warrant for refusing a passport. But it would be well to have the fact of the applicant for the passport being a Mormon emissary, and actively engaged in proselyting, conclusively proved to

your satisfaction by some kind of evidence which can be put on the files of your legation and this Department. This might be obtained, perhaps, from the police authorities or the public press in case any meetings were held for the object of inciting to emigration.

It is noticed that in your report of the case you did not give the applicant's name. It would be as well to obtain in all such cases of refusal of passport application a detailed statement from the applicant duly signed and sworn to in support of his application, a copy of which can then be forwarded to this Department for its action and to refer to in case the application is renewed here.

I am, &c.,

T. F. BAYARD.

CORRESPONDENCE WITH THE LEGATION OF SWEDEN
AND NORWAY AT WASHINGTON.

No. 604.

Mr. Reuterskiöld to Mr. Bayard.

LEGATION OF SWEDEN AND NORWAY,
Washington, June 17, 1885. (Received June 18.)

SIR: With reference to our conversation this morning I beg to inclose a short memorandum concerning the tonnage-tax question I spoke to you about.

Accept, &c.,

L. REUTERSKIÖLD.

[Inclosure.]

MEMORANDUM.

By section 14 of an act approved June 26, 1884, "to remove certain burdens on the American merchant marine, and encourage the American foreign carrying trade, and for other purposes," it is enacted:

"That, in lieu of the tax on tonnage of 30 cents per ton per annum heretofore imposed by law, a duty of 3 cents per ton, not to exceed in the aggregate 15 cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States, from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the Sandwich Islands, or Newfoundland; and a duty of 6 cents per ton, not to exceed 30 cents per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign ports."

Article VIII of the treaty concluded between Sweden and Norway and the United States of America, July 4, 1827, reads as follows:

"The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties, of any kind or denomination, which shall be higher or other than those which shall be imposed on every other navigation except that which they have reserved to themselves, respectively, by the sixth article of the present treaty."

By virtue of the said article, a higher tonnage-tax than that imposed by section 14 of the above-cited act of June 26, 1884, on vessels arriving from ports or places in the countries therein mentioned, that is to say, 3 cents per ton at each entry, not to exceed in the aggregate 15 cents per ton in any one year, cannot, after the entering into force of said act, be imposed upon vessels arriving in any port of the United States from any port or place in Sweden or Norway.

WASHINGTON, *June 17, 1885.*

No. 605.

Mr. Reuterskiöld to Mr. Bayard.

[Translation.]

LEGATION OF SWEDEN AND NORWAY,
Washington, October 4, 1885. (Received October 8.)

Mr. SECRETARY OF STATE :

By section 14 of the act approved June 26, 1884, the object of which was "to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, &c.," a tonnage duty of 3 cents per ton, not to exceed in the aggregate 15 cents per ton in any one year, was substituted for the duty of 6 cents per ton, not to exceed 30 cents per ton per annum, in the case of vessels arriving from certain countries therein enumerated.

On the other hand, the treaty concluded July 4, 1827, between the United Kingdoms of Sweden and Norway and the United States of America declares, in Article VIII, as follows:

The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties of any kind or denomination which shall be higher or other than those which shall be imposed on every other navigation, except that which they have reserved to themselves, respectively, by the sixth article of the present treaty,

which exception has reference to coastwise navigation.

Consequently the Government of the King is of opinion that vessels coming from Sweden and Norway should enjoy the benefit of the reduction of the tonnage duty provided for in section 14 of the act of June 26, 1884. The royal Government thinks that there can be no doubt whatever with regard to this right, since the treaty in force expressly provides that no higher duties than those which shall be imposed on every other navigation shall be imposed upon navigation between the respective territories, and that, consequently, vessels arriving from our ports have an absolute right to profit by any reduction allowed to vessels coming from any port whatever, whether such reduction as regards certain ports is based upon their geographical situation or their nationality.

Having been instructed to communicate the views of my Government on this subject, officially, to the Government of the United States, I have, in obedience to orders received, the honor to ask that the reduction of the tonnage duty to 3 cents per ton, not to exceed in the aggregate 15 cents per ton in any one year, may be extended to vessels from Sweden and Norway.

I avail, &c.,

REUTERSKIÖLD.

No. 606.

Mr. Bayard to Mr. de Reuterskiöld.

DEPARTMENT OF STATE,
Washington, November 7, 1885.

SIR: I had the honor to receive in due season your note of the 17th June last, touching the application of the provisions of the 14th section of the shipping act, approved June 26, 1884, in respect of the col-

lection of tonnage tax, to vessels of Sweden and Norway, coming from ports of that country to ports of the United States, under the most-favored-nation clause of the existing treaty of 1827, between the United States and Sweden and Norway.

The importance of the questions involved in the claim of the Government of Sweden and Norway, and in like claims preferred by other Governments, has led to the submission of the entire subject to the judgment of the Attorney-General. The conclusions of the Department of Justice, after a careful examination of the premises, are, that—

The discrimination, as to tonnage duty, in favor of vessels sailing from the regions mentioned in the act, and entered in our ports, is, I think, purely geographical in character, inuring to the advantage of *any* vessel of *any* power that may choose to fetch and carry between this country and any port embraced by the 14th section of the act. I see no warrant, therefore, to claim that there is anything in the "most favored nation" clause of the treaty between this country and the powers mentioned, that entitles them to have the privileges of the 14th section extended to their vessels sailing to this country from ports outside of the limitation of the act.

These conclusions are accepted by the President, and I have accordingly the honor to communicate them to you as fully covering the points presented in your note of the 17th of June last.

Accept, sir, &c.,

T. F. BAYARD.

No. 607.

Mr. Reuterskiöld to Mr. Bayard.

LEGATION OF SWEDEN AND NORWAY,
Washington, November 11, 1885. (Received November 12.)

MR. SECRETARY OF STATE:

I have had the honor to receive your excellency's note of the 7th instant, relative to the enforcement of the provisions of section 14 of the shipping-act approved June 26, 1884, as regards tonnage duties.

After having, on the 17th of June last, sent your excellency a memorandum on this subject, I addressed to you, under date of the 4th of the following October, an official note, in which I stated the view taken of this question by the King's Government, and asked, in obedience to the instructions which I had received, that the reduction of the tonnage duty provided for in section 14 might be made applicable to vessels coming from Sweden and Norway.

As your excellency has seen, both by my aforesaid note and by the memorandum, the royal Government, in making this request, did not do so on the ground of Article II of the treaty of 1783 (which was continued in force by that of 1827), which article has reference to the usage to be accorded to the most favored nation, but it took as the basis of its claim, Article VIII of the treaty of 1827, which reads thus:

The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties of any kind or denomination, which shall be higher or other than those which shall be imposed on every other navigation, except that which they have reserved to themselves, respectively, by the sixth article of the present treaty,

which exception has reference to coastwise navigation.

Under these circumstances the royal Government cannot consider its claim as having been set aside by the statement made by your excellency in your note of the 7th instant, since the refusal of the United

States Government to extend to vessels coming from Sweden and Norway the benefit of the reduction of the tonnage duty provided for in section 14 of the aforesaid act, was based solely upon its interpretation of the most-favored-nation clause, to which clause my Government did not appeal.

I consequently have the honor again to submit the claim of my Government to the consideration of the United States Government, begging it to be pleased to consider the clearness with which Article VIII of the treaty of 1827—which article constitutes the basis of the claim—provides that neither of the contracting parties shall impose any tonnage duty higher or other than that imposed on every other navigation.

I trust that the United States Government will think that Article VIII of the treaty of 1827 is susceptible of no interpretation differing from that of my Government, according to which navigation between the territories of the contracting parties, in vessels belonging to either nation, is entitled to the benefit of the reduction of tonnage duties established by section 14 in behalf of navigation between the United States and certain territories therein enumerated.

Accept, &c.,

REUTERSKIÖLD.

SWITZERLAND.

No. 608.

Mr. Cramer to Mr. Frelinghuysen.

No. 183.]

LEGATION OF THE UNITED STATES,
Berne, November 26, 1884. (Received December 9.)

SIR: The following statements are copied from the New Zug Gazette (*Neue Zuger Zeitung*) of November 22, 1884, viz:

[Translation.]

The petition for pardon of Joseph Binzegger, of Baar, who, in 1867, was sentenced to imprisonment for life on account of repeated incendiarism, together with the letters of recommendation from the director of the prison, the director of police, and the governing council, were read. By secret voting, that is, by 56 out of 66 votes, it was resolved to remit the remainder of the sentence to the petitioner upon the condition of his promised emigration to America.

These statements appeared among the proceedings of the sixth session of the grand council (legislature) of the canton of Zug, as published in the New Zug Gazette of November 22, 1884. I have no reason to doubt their correctness.

The discharge from prison of this Joseph Binzegger (a convict, who, in 1867, had been sentenced to imprisonment for life on account of repeated incendiarism), upon the condition of his emigration to the United States, appeared to me to be such a clear case of violation of the act of Congress entitled "An act to regulate immigration," approved August 3, 1882, that I felt it my duty to address a note, of this day's date, to the Federal Council, protesting against the action of the grand council of the canton of Zug, in this case.

A copy of this note is herewith inclosed.

I trust the Department will approve my action in this case.

I am, &c.,

M. J. CRAMER.

[Inclosure in No. 183.]

*Mr. Cramer to the President of the Swiss Confederation.*LEGATION OF THE UNITED STATES,
Berne, November 26, 1884.

SIR: The undersigned, minister resident of the United States of America, near the Swiss Confederation, has the honor to inclose herewith a copy of the *Neue Zuger Zeitung* of Saturday, November 22, 1884, containing among other things an extract of the proceedings of the sixth session (November 20) of the cantonal council of the canton of Zug, in which it is stated that said council, by a secret vote of 56 out of 66 votes, resolved to discharge from the penitentiary one *Joseph Binzegger upon the condition that he emigrate to America*. Said J. Binzegger is reported in said proceedings to have been sentenced in 1867 to imprisonment for life on account of repeated incendiarism. The undersigned, having no reason to doubt the truth of these statements, takes the liberty, under standing instructions from his Government, to protest against the release from prison of such a man as Joseph Binzegger "*upon the condition that he emigrates to the United States of America*." It is sincerely hoped that the High Federal Council will call the attention of the cantonal council of Zug to the laws of the United States, which prohibit the landing of such persons in the United States, and which, in case an attempt is made to land them, require their return by the same vessel that carried them.

The undersigned, &c.,

M. J. CRAMER.

No. 609.

Mr. Frelinghuysen to Mr. Cramer.

No. 118.]

DEPARTMENT OF STATE,
Washington, December 11, 1884.

SIR: I have to acknowledge the receipt of your No. 183, apprising me of the resolution of the Swiss cantonal authorities of Zug, to grant a release to the prisoner J. Binzegger, a confirmed incendiary, on condition of his emigrating to this country, and to commend your zeal and promptitude in protesting to the Swiss Government in the premises.

It is hoped and presumed that the action of the High Federal Government will prevent the consummation of the design to land this criminal on our shores, as a violation of the comity which should obtain between the two Governments; but should it in any way transpire that Binzegger embarks *en route* to this country, you will please at once telegraph the facts. Meantime I shall ask the Secretary of the Treasury to take the necessary steps for the return of Binzegger, if he lands here. It is, of course, desirable to be advised of the name of the vessel by which he leaves Europe and the date of sailing.

Referring in connection to instruction No. 16, of December 3, 1881, addressed to you, and especially to Ex. Doc. No. 62 (Senate), Forty-sixth Congress, third session, which you have,

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 610.

Mr. Cramer to Mr. Frelinghuysen.

No. 188.]

LEGATION OF THE UNITED STATES,
Berne, December 18, 1884. (Received December 31.)

SIR: In my dispatch No. 183, of the 26th ultimo, I had the honor to inform you that in a note to the Swiss Federal Council of the same date (a copy of which was inclosed in said dispatch), I protested against the

discharge from prison ordered by the grand council of the canton of Zug of one Joseph Binzegger, who had been sentenced to imprisonment for life on account of incendiarism, upon the condition of his emigrating to the United States.

On the 16th instant a note was received from the Federal Council, dated the 15th instant, in which it is stated that, in general, the federal authorities had done all in their power to prevent the emigration of improper persons; that in the particular case of Joseph Binzegger he had been pardoned without any restrictive condition, and that instead of his going to the United States he intends to emigrate to Buenos Ayres.

A copy of this note, with a translation thereof, is herewith inclosed.

I am, &c.,

M. J. CRAMER.

[Inclosure in No. 188.—Translation.]

The Swiss Confederation to Mr. Cramer.

BERNE, December 15, 1884.

SIR: By the note of the 26th of last November you have sent us a copy of the *Neue Zuger Zeitung* of the 22d of November, in which it was said that the grand council of the canton of Zug had pardoned one named Joseph Binzegger, who had been sentenced to imprisonment for life, upon the condition that he emigrate to America, and you have protested against the condition attached to that pardon.

We have first of all to call your attention to the fact that the federal authorities have done all in their power to prevent the emigration of persons who by the laws of the countries (beyond the seas) are not permitted to land, by introducing article 10, line 4, of the law of December 24, 1880, concerning the operations of the agents of emigration, a law which prohibits these agents of emigration to expedite such persons as the laws of the country of their prospective destination decline to receive as emigrants. The confederation could go no further without going beyond its own authority; it is therefore the duty of the countries beyond the seas to reject those emigrants who intend to enter therein in spite of existing laws. On the other side, we do all that is possible, so that the communes and cantons shall not rid themselves, by the means of emigration, of their criminal inhabitants or those who are unable to earn their own subsistence.

We have therefore informed the government of the canton of Zug of your complaint and requested it to inform us of this matter. By a dispatch of the 6th instant we are informed that Binzegger has been pardoned without any restrictive condition, and that the police director had purely and simply set him at liberty. He adds that it is like every young man, namely, that Binzegger has been sentenced as an incendiary, and that after 18 years of imprisonment he has been earnestly recommended by the prison director to be pardoned by the grand council, after which said director, having praised Binzegger for his good conduct, affirmed that far from constituting a dangerous element to society, he might yet honorably make his way in the world. The latter, however, manifested no intention of emigrating to the United States, but intended to go to Buenos Ayres.

Accept, &c.,

In the name of the Swiss Federal Council,

WELTI,
President of the Confederation.
RINGIER,
Chancellor of the Confederation.

No. 611.

Mr. Cramer to Mr. Frelinghuysen.

No. 199.]

LEGATION OF THE UNITED STATES,
Berne, January 22, 1885. (Received February 6.)

SIR: I have the honor to transmit to you, herewith inclosed, a copy of a letter from Mr. George L. Catlin, United States consul at Zurich, dated the 19th of January, 1885, reciting the sad case of a boy, and applying for a passport for him.

It appears from a certificate of birth and baptism issued by the pastor of the German Presbyterian Church of New York City that said boy was born in New York City, and is the illegitimate son of a widow, from Regensdorf, of canton of Zurich, Switzerland, who appears to have been residing in that city at that date; whether her husband was a citizen of the United States is not quite certain. On her return she received a passport from this legation.

From the dates of the documents it appears that she returned to Switzerland with her son at a time when the latter was about four years of age. She has since died.

The following is an exact transcript of the records of this legation concerning the passport issued:

Record of passport No. — for Mrs. ———, accompanied by a minor son, of the United States of America. Description, none given. (Naturalized.) Authority, see voucher No. 193.

Now, said boy has not been in the United States since the year 1871. Under these circumstances I am unable to decide whether he is a citizen of the United States. If the Department decides that he is a citizen, I request to be informed whether, he being in such needy circumstances as Consul Catlin reports, this legation may issue a passport to him gratis.

I am, &c.,

M. J. CRAMER.

[Inclosure in No. 199.]

Mr. Catlin to Mr. Cramer.

CONSULATE OF THE UNITED STATES,
Zurich, January 19, 1885.

SIR: I venture to call your attention to the case of ——— (a boy); age, 18; born at New York, September 7, 1866, and now employed at Aussersihl, in the suburbs of this city, as a baker's apprentice, without other compensation than his board and lodging. He is an orphan, but I have in my possession a passport issued in the name of his mother, now deceased, showing her to have been also a citizen of the United States. I have also his baptismal certificate, authenticated by the Swiss consul at New York. The youth is absolutely penniless, but is called upon almost daily by the authorities for his legitimation papers, and as he has no means to pay a fee for his passport, though claiming, and I trust rightfully, American citizenship, I beg to refer the matter to your kind consideration, and remain, &c.,

GEORGE L. CATLIN,
Consul.

No. 612.

Mr. Frelinghuysen to Mr. Cramer.

No. 126.]

DEPARTMENT OF STATE,
Washington, February 13, 1885.

SIR: Your dispatch No. 199, of the 22d ultimo, in relation to the case of an orphan boy now resident in the city and canton of Zurich has been received.

As is shown by the inclosures of your dispatch, he was born in New York on the 7th of September, 1866. His mother obtained a passport as an American citizen from your legation in 1871. She and her son having gone back to Switzerland in that year, the mother has since died and the youth resided in Switzerland since 1871. He is so far

a citizen of the United States that he may, on obtaining his majority, (twenty-one years) elect which nationality he will adhere to, the United States or Switzerland, and until he attain such age he is entitled, as a citizen of the United States residing in Switzerland, to the protection of this Government; and consequently he is entitled to a passport. The passport issued by your predecessor (Mr. Rublee) to the mother, is marked "gratis," the lady being, as is supposed, in needy circumstances at the time, and you add that the young man is working as an apprentice, receiving as compensation only his board and clothing; and under these circumstances you desire to be instructed whether you may issue a passport to him without the required fee of \$5.

The fee in question is prescribed by act of Congress, and I have no authority of law to give you express permission to dispense with that charge.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 613.

Mr. Cramer to Mr. Frelinghuysen.

No. 204.]

LEGATION OF THE UNITED STATES,
Berne, February 20, 1885. (Received March 6.)

SIR: On or about the 5th of this month Mr. Henry Theodore Christian Emeis, M. D., called at this legation and made the following statements, namely:

(1) That he is a naturalized citizen of the United States, and that his health having broken down while practicing medicine near Dayton, Ohio, he came abroad, and especially to Switzerland, for the purpose of regaining his health.

(2) That while he temporarily sojourned at La Chaux-de-fonds, canton of Neuchâtel, he was, on the 1st instant, expelled from the territory of that canton by its police authorities without any valid reasons.

Having given a detailed (verbal) account of this matter, he then requested me to lay his case before the Swiss Federal Council and request that the decree of his expulsion be revoked. I requested him to furnish evidences of his American citizenship. He showed me the following documents:

(1) A duplicate certificate of naturalization issued by the court of common pleas for the city and county of New York, on the 22d of March, 1879, showing that he was admitted to become a citizen of the United States on the 13th of April, 1871.

(2) Passport No. 13,271, issued to Henry Theodore Christian Emeis by the Department of State on the 20th of June, 1879, and bearing the signature of William M. Evarts as Secretary of State. The description therein given of Mr. Emeis is as follows:

Age, 40 years; stature, 5 feet 7½ inches, English; forehead, high; eyes, blue; nose, medium; mouth, small; chin beard; hair, brown; complexion, medium; face, oval.

It is needless to say that both these documents appeared to me to be genuine and correct, proving Mr. Emeis to be a naturalized citizen of the United States. He also showed me other documents, letters, &c., which proved to me his identity.

In this connection I may be permitted to say that, to judge from repeated interviews I have had with him, he appears to me to be a gentleman of culture and refinement, to say nothing of his professional education and practice, incapable of intrigue and illegal acts.

Under these circumstances I did not feel at liberty to ignore his case. Hence I requested him to draw up a statement thereof in writing (in duplicate) addressed to this legation, which he did on the 7th instant, though he did not deliver it here until several days afterwards.

Under date of the 19th instant I addressed a note to the President of the Swiss Confederation relative to this case (before that date I was unable to write on account of illness), and inclosed therein Mr. Emeis's letter. A copy of this note is herewith inclosed. In said note I stated that it appeared from said letter that Mr. Emeis's expulsion was the result (1) of a misunderstanding between himself and the police authorities of La Chaux-de-fonds respecting the kind of documents required to identify himself for the purpose of obtaining a permit of residence; and (2) of an unfounded suspicion entertained against him by some ill-disposed person in that town that he was either a spy or somehow connected with anarchists, who had caused it to be made known in some way to said authorities. I further stated that I considered Mr. Emeis a man of good character, against whom no evidences had been produced tending to prove him guilty of having violated the laws of the canton of Neuchâtel or of Switzerland, or to be a spy, or connected with anarchists, and that therefore his expulsion appears to have been a hasty matter. I then requested the High Federal Council to cause the authorities of Neuchâtel to revoke the order of expulsion as an act of simple justice due alike to Mr. Emeis and to the country of which he is a citizen, and thus to relieve him from a stigma that would otherwise attach to his character through life.

I trust the Department will approve my action in this case.

I have, &c.,

M. J. CRAMER.

[Inclosure in No. 204.]

Mr. Cramer to the President of the Swiss Confederation.

LEGATION OF THE UNITED STATES,
Berne, February 19, 1885.

SIR: The undersigned, minister resident of the United States of America near the Swiss Confederation, has the honor to transmit to your Excellency, herewith inclosed, a letter dated February 7, addressed to him officially by Mr. Henry Theodore Christian Emeis, a citizen of the United States, in which he narrates the circumstances under which, though an innocent man, he was, on the 1st of this month, expelled from the territory of the canton of Neuchâtel, and in which he appeals to this legation to see to it that justice may be done him in this matter.

The undersigned begs to state that Mr. Emeis has submitted to this legation sufficient proofs that he is a duly naturalized citizen of the United States. It appears from the inclosed letter that his expulsion is the result (1) of a misunderstanding between himself and the police authorities of La Chaux-de-fonds respecting the kind of documents required to identify (legitimate) himself for the purpose of obtaining a permit of residence; and (2) of an unfounded suspicion entertained against him by some ill-disposed person in that town that he was either a spy or somehow connected with anarchists, who had caused it to be made known in some way to said authorities.

Judging from Mr. Emeis's statement contained in the inclosed letter, as well as from the personal interviews the undersigned has repeatedly had with him, it appears that he is a harmless traveler, guilty of no improper, illegal, or even suspicious act. He came to Switzerland for the sole purpose of having his health restored by the Swiss

mountain air. Nor have the police authorities of La Chaux-de-fonds, or of Neuchâtel been able to produce any evidences whatever, which tend to prove that he has been guilty of having violated the laws of that canton, or of Switzerland. He honors and respects the laws, the Government, and the people of Switzerland. He never had, nor has he now, any connection whatever with anarchists, nihilists, or socialists. He detests their beliefs and practices as much as all right-minded men do. Neither is he a spy either of the German or of the French Government, as some ill-disposed person imagined. There really is no valid reason for his sudden and immediate expulsion, and so far as the undersigned is aware, no valid reason has been assigned on the part of the authorities of Neuchâtel for their action in this matter. It appears to have been altogether too hasty.

The undersigned cannot but think that it is hard that a man who appears to be entirely innocent, a man who is a citizen of a friendly power, should be thus harshly dealt with; that he should thus be unjustly deprived of his good name, and be obliged to go through the remainder of his life with such a stigma upon his character. The undersigned, therefore, takes the liberty to ask, through your Excellency, the High Federal Council to request the authorities of the canton of Neuchâtel, as an act of simple justice to Mr. Emeis, to revoke the decree of his expulsion from the territory of that canton. This act of justice is due to that gentleman, as well as to the country of which he is a citizen. It is to be sincerely hoped that the authorities of that canton will the more gladly make this reparation to his character, as his expulsion appears to be the result both of a misunderstanding and of an unfounded suspicion against him by some ill-disposed person.

The undersigned embraces, &c.,

M. J. CRAMER.

No. 614.

Mr. Bayard to Mr. Cramer.

No. 129.]

DEPARTMENT OF STATE,
Washington, March 9, 1885.

SIR: Your No. 204, of the 20th ultimo, relative to the expulsion of Mr. H. T. C. Emeis, a naturalized citizen of the United States, from the territory of the canton of Neuchâtel, has been received.

The statements which you communicate in regard to the passport, certificate of naturalization, and description of Henry Theodore Christian Emeis are verified by the records.

The letter of Mr. Emeis addressed to you on the 7th ultimo seems to be an honest and true statement. It appears therefrom that Mr. Emeis had been a considerable period making trial of different altitudes in Switzerland for his health; that his movements from place to place, though perfectly comprehensible from a proper point of view, were either willfully or otherwise misinterpreted; that his comparative ignorance of the French language, and of the adulterated German of the locality, complicated the case, and that the concluding act of the local authorities was to expel him from the canton.

You say you have requested the High Federal Council to cause the authorities of Neuchâtel to revoke the order of expulsion as an act of simple justice, due alike to Mr. Emeis and to the country of which he is a citizen, and trust your course will be approved.

It appears to this Department that such an act as you solicit at the hands of the Swiss Government is the least thing which could be asked for in the way of reparation, and to its extent it can be but acceptable. Your course, therefore, is approved.

I am, &c.,

T. F. BAYARD.

No. 615.

Mr. Cramer to Mr. Bayard.

No. 209.]

LEGATION OF THE UNITED STATES,

Berne, March 9, 1885. (Received March 23.)

SIR: Referring to my dispatch No. 204, of the 20th ultimo, and its inclosure, both relating to the case of Mr. Henry Theodore Christian Emeis, an American citizen, who was expelled from the territory of the canton of Neuchâtel, Switzerland, during February last, under the suspicion of being either an anarchist or an *agent provocateur*, I have now the honor to inform you that on the evening of the 6th instant I received a note from the President of the Swiss Confederation, dated the 5th instant, in reply to my note to him of the 19th ultimo (a copy of which I inclosed in my dispatch to the Department above referred to), in which he communicated to this legation (1) a copy of a letter from the police department of Neuchâtel to the Swiss Federal Council; (2) copies of notes that passed between the local police authorities of the town of La Chaux-de-fonds (from which town Mr. Emeis had been expelled) and the central police department of the Canton of Neuchâtel.

Copies of all these notes, with translations thereof, are herewith inclosed.

These notes are supposed to furnish the reasons on account of which Mr. Emeis was expelled from the canton of Neuchâtel.

It will be remembered that in my note to the President of the Swiss Confederation of the 19th ultimo I stated that in my opinion the expulsion of Mr. Emeis was the result of an unfortunate misunderstanding between the latter and the police authorities of La Chaux-de-fonds, and that I requested the High Federal Council to cause a revocation of the decree of expulsion.

It will also be noticed that the High Federal Council stated in its note of the 5th instant that if, after having taken knowledge of the documents inclosed therein, I was in a position to give a positive declaration that Mr. Emeis is neither an anarchist nor an *agent provocateur*, it would recommend to the authorities of Neuchâtel the revocation of said decree. It is further stated in that note that it had been noticed that Mr. Emeis had "disappeared" from Berne as soon as he had knowledge of the arrest of anarchists in this city.

In regard to this last statement an explanation is due to Mr. Emeis, which will show that his "disappearance" from Berne on the day the anarchists were arrested here was a mere unforeseen coincidence. On Thursday, February 26, Mr. Emeis called at this legation and informed me that on the following day (that is, on Friday, February 27) he was going to Geneva, as the climate there is better than in Berne, and requested me to forward to him any news about his case. It so happened that on said Friday (February 27), early in the morning, a number of anarchists were arrested. Nobody knew anything about these contemplated arrests (except the proper authorities) until after they had taken place. Certainly neither Mr. Emeis nor this legation had any previous knowledge of the same. It so happened, too, that a few days thereafter a paragraph appeared in a daily journal published in this city, alluding to the "mysterious disappearance" of Mr. Emeis, and otherwise damaging to his character. As soon as he had read said paragraph he took the next train for Berne, called at this legation (that is, on Thursday, March 5), and asked my advice. I advised him (1)

to present himself to the police authorities and ask for a regular permit of sojourn in Berne; (2) to call on the editors of said journal and request them to retract their derogatory statements about him, otherwise he would be obliged to institute legal proceedings against them; and (3) to proceed to Neuchâtel, notwithstanding the decree of expulsion, call at the central police headquarters of that canton, state his case, and ask for an immediate investigation thereof. He acted upon my advice, and the result was that on Saturday, the 7th instant, he called at this legation, stating that the journal in question had retracted its remarks against him, and showing me an order, issued on the 6th instant in due legal form by the president of the council of state of Neuchâtel (who is also chief of the cantonal police department), to the effect that in consequence of fresh information having been received, invalidating the suspicions of which Mr. Emeis had been the object, the decree of his expulsion had been revoked, and that he is at liberty to freely sojourn in that canton. A copy of this order, with a translation thereof, is herewith inclosed.

It being evident from the note of the Swiss President of the 5th instant that the High Federal Council was then not yet entirely satisfied as to the character of Mr. Emeis, I felt it my duty to address another note to the same, repeating the opinion I expressed in my first note as to the character of this gentleman, and as to his expulsion having been the result of an unfortunate misunderstanding, corroborated, as it was, by the opinion of the authorities of the canton of Neuchâtel, and at the same time I inclosed a copy of the decree of revocation. A copy of this note is herewith inclosed.

This case is now settled to the entire satisfaction of Mr. Emeis. I trust the Department is also satisfied with the manner in which it has been conducted by this legation.

I have, &c.,

M. J. CRAMER.

[Inclosure 1 in No. 209.—Translation.]

The Swiss Federal Council to Mr. Cramer.

BERNE, March 5, 1885.

Referring to the valued note from the minister resident of the United States of America of February 19, relative to the expulsion of Mr. Henry Theodore Christian Emeis, a citizen of the United States, the Swiss Federal Council has the honor to communicate to him a copy of a report from the police department of the canton of Neuchâtel, dated February 24, together with copies of a correspondence between the police director of La Chaux-de-fonds and the central department of police of the canton of Neuchâtel.

In this connection the Swiss Federal Council observes that in case the minister resident of the United States, after having taken knowledge of said documents, is in a position to give a positive declaration that Mr. Emeis is neither an anarchist nor an *agent provocateur*, i. e., an agent that provokes to sedition, it (the Federal Council) would not hesitate to submit to the authorities of Neuchâtel such an assurance, in a recommendatory sense, to their favorable consideration. Moreover, it has been noticed that said man, as soon as he had obtained knowledge of the arrest of anarchists and of the investigations and house-searchings instituted against them, disappeared from Berne.

The Swiss Federal Council, in having the honor to return herewith the inclosure of said valued note, avails itself, &c.

In the name of the Swiss Federal Council.

The President of the Swiss Confederation,

The chancellor of the Swiss Confederation,

SCHENK.

RINGIER.

[Inclosure 2 in No. 209.—Translation.]

The police department of the republic and canton of Neuchâtel to the federal department of justice and police at Berne.

NEUCHÂTEL, February 24, 1885.

MR. FEDERAL COUNCILOR:

The motive which has determined as to decide upon the expulsion of Mr. Emeis is that he has furnished the police with false information concerning his personality and his antecedents. After having declared that he was a German subject, originating from Schleswig-Holstein, and finding himself without documents of legitimation, he ended by exhibiting an American passport which has been delivered to him as a citizen of the United States. After having maintained that he came from Davos, pressed by questions about the circumstances of his sojourn at that place, he confessed that he had not been there for some years past. In turn it resulted in his personal declarations that he has recently sojourned at Göschenen, where, as you know, a deposit of dynamite is located.

These facts being given, and the singular way of carriage of the person, certain suspicious talks held by him at a dinner-table and taken down by an editor of a journal who ate with him, we have had the honor to inform you, and we have pronounced his expulsion from the canton of Neuchâtel. Besides, it would be rather difficult to say whether one should consider this individual as an anarchist, or as an agent of a foreign police, the conduct of the one and of the other resembling each other very much.

Be pleased, &c.,
The councilor of state, chief of the department of police,

CORNAZ.

[Inclosure 3 in No. 209.—Translation.]

The director of the local police to the central department of police, Neuchâtel.

CHAUX-DE-FONDS, January 19, 1885.

SIR: We have actually in our city a certain Henry Theodore Christian Emeis, who affirms that he came from the province of Schleswig-Holstein, where he is a doctor of medicine. He does not practice here, but says he came on account of his health, and will only remain here a few weeks longer. He is the bearer of no papers, and has given to understand that he will leave immediately on the melting of the snow, and that for that reason he considers it superfluous to have his documents of birth sent to him at the moment of his departure. According to his statement he has also sojourned at Davos, where he says he was allowed to remain in peace.

This individual lives in our town at the Côté d'Or, and will leave immediately if he is pressed for his documents. To you as well as to the prefect I state this case because of the doings which agitate Germany and other foreign parts.

Believe me, &c.,
The director of the local police,

FRITZ ROBERT DUCOMMUN.

[Inclosure 4 in No. 209.]

The police department to the director of the local police at La Chaux-de-fonds.

NEUCHÂTEL, January 22, 1885.

SIR: In reply to your letter of the 19th instant, we beg to inform you that we will tolerate the presence of Henry Theodore Christian Emeis at La Chaux-de-fonds if he can prove that he sojourned at Davos before his arrival in your town.

Believe me, &c.,
In the name of the police department,

CORNAZ.

[Inclosure 5 in No. 209.]

The director of the local police to the central department of police, Neuchâtel.

CHAUX-DE-FONDS, January 24, 1885.

SIR: To carry out the instructions of your dispatch of the 22d instant concerning Henry Theodore Christian Emeis, I sent for this amateur to come to my office and communicated to him your decision. After some hesitation he declared that he had not been at Davos for some years past, and, moreover, that he was no longer a German, but an American citizen, and finally produced the passport, which I herewith inclose, and which you will kindly return.

Regarding the observations which I have made on the subject of his first and second statements, he replied that he did not think that one would be so exacting, that he had not understood me well, and other such more or less evasive remarks.

Believe me, &c.,

The director of the local police,

FRITZ ROBERT DUCOMMUN.

[Inclosure 6 in No. 209.—Translation.]

NEUCHÂTEL, March 6, 1885.

The department of police declares that in consequence of new information it has received, which is of a nature to invalidate the suspicion of which Dr. Emeis, of American nationality, has been the object, the order of expulsion pronounced against him has been revoked, so that he can freely sojourn in the canton of Neuchâtel, provided he deposits his papers and takes a permit to sojourn.

[SEAL.]

CORNAZ.

[Inclosure 7 in No. 209.]

*Mr. Cramer to the President of the Swiss Confederation.*LEGATION OF THE UNITED STATES,
Berne, March 7, 1885.

SIR: The undersigned, minister resident of the United States of America near the Swiss Confederation, has the honor to acknowledge the receipt of your Excellency's valued note of the 5th of this month, together with the three documents contained therein relative to the expulsion of Mr. Henry Theodore Christian Emeis, an American citizen from the canton of Neuchâtel.

After having carefully considered the contents of your Excellency's valued note and of the documents referred to, as well as the statements made by Mr. Emeis in his own behalf, the undersigned has the honor to say that he believes Mr. Emeis to be neither an anarchist nor an *agent provocateur*, and that the suspicion attached to him as such arose from an unfortunate misunderstanding between him and the police authorities of La Chaux-de-fonds.

Relative to the fact that Mr. Emeis "disappeared" from Berne on the morning of the arrest of the anarchists, that is, on Friday, February 27 last, the undersigned begs to suggest that it was a mere coincidence, for on Thursday, February 26, Mr. Emeis called at this legation and said he was going to Geneva on the following day, although he knew absolutely nothing of the intended arrest of anarchists on that day.

Besides, as soon as he had read in *Der Bund* of March 3d, a notice to the effect that he had mysteriously or suspiciously "disappeared" from Berne, he immediately returned, called, at my advice, on the editors of that journal, and requested them to correct the false impression made by said notice; otherwise he would be obliged to institute legal proceedings against them. Such a correction appeared in that journal of the 7th of this month.

In addition to all this Mr. Emeis, in the face of the decree of expulsion, went, on the 6th of this month, to Neuchâtel, called on Mr. Cornaz, president of the council of state, and chief of the police department of that canton, and stated the real nature of his case. Upon a personal examination thereof, Mr. Cornaz, too, found that this affair arose from an unfortunate misunderstanding, issued an order, duly signed and sealed, revoking the decree of expulsion, and handed it to Mr. Emeis. The undersigned has the honor to inclose herewith a copy of said order.

In thanking the High Federal Council for the willingness it has expressed to aid, under a given declaration in procuring a revocation of the decree of expulsion pronounced against Mr. Emeis, the undersigned avails himself, &c.,

M. J. CRAMER.

No. 616.

Mr. Cramer to Mr. Bayard.

No. 225.]

LEGATION OF THE UNITED STATES,
Berne, May 8, 1885. (Received May 25.)

SIR: I have the honor to inform you that Mr. Gifford, the United States consul at Basle, sent me the following telegram this morning:

Seventy-five Mormons forwarded this morning from Basle to New York via Antwerp.

In reference to the contents of this telegram I beg to make the following observations:

(1) It is not stated that any one or more of these seventy-five Mormons are polygamists. Indeed, none of them can be such, as the laws of Switzerland prohibit polygamy.

(2) It is not stated that any one or more of them are paupers, prostitutes, or other such persons as are prohibited from landing in the United States.

(3) Under these circumstances I did not feel myself authorized to prohibit their departure from Antwerp. Of course it was too late to protest against their departure from Basle.

(4) This dispatch will probably reach the Department several days in advance of the landing in New York of the steamer from Antwerp, that is to carry these Mormons to our shores. Hence telegrams may easily be sent to the authorities at the place where the immigrants land in New York, requesting them to investigate these cases; and hence, too, I did not think it necessary to send you a cablegram concerning this matter.

The steamer carrying these persons (name not known to me) will probably sail from Antwerp on Saturday the 9th instant.

I am, &c.,

M. J. CRAMER.

No. 617.

Mr. Cramer to Mr. Bayard.

[Extract.]

No. 229.]

LEGATION OF THE UNITED STATES,
Berne, June 8, 1885. (Received June 20.)

SIR: Mr. Robert Emden, of St. Gall, Switzerland, twenty-three years of age, and a son of Mr. Moritz Philip Emden, a naturalized citizen of the United States, but residing and doing business at said city of St. Gall, addressed a note to this legation, under date of April 15, 1885, and inclosing an affidavit, in which he attempts to prove that according to the provisions of section 2172 of the Revised Statutes of the United States he is a citizen of the United States, and that therefore he makes application to this legation for a passport. A copy of his letter and affidavit is herewith inclosed. I requested young Mr. Emden to make application for a passport in due form through the United States consulate at St. Gall, as also to submit to this legation his father's naturalization certificate. Last Saturday, the 7th instant, such an appli-

cation was received through said consulate, dated May 31, 1885, together with a duplicate of said naturalization certificate.

* * * * *

From these documents it appears that Robert Emden was born at St. Gall, Switzerland, on March 4, 1862; that his father was naturalized on the 28th of June, 1854; that young Robert Emden has never been in the United States; that he is now twenty-three years of age, and that he wants a passport for the purpose of going to Strasburg to study.

Now, in view of the fact (1) that Robert Emden has never been in the United States; (2) that his father's right to be entitled to a passport was doubted by the Department for several years, as the correspondence on this subject between the Department and this legation during 1880-'83 will show; (3) that section 2172 of the Revised Statutes of the United States says, "The children of persons who have been duly naturalized under any law of the United States, being under the age of twenty-one years at the time of the naturalization of their parents, shall, *if dwelling in the United States*, be considered as citizens thereof," this legation does not feel itself at liberty to issue a qualified passport to Mr. R. Emden before first having submitted his case to your consideration. It may further be stated that Mr. Moritz Philip Emden, the father of Robert Emden, has not been in the United States for many years; nor is it certain, so far as I know, that he ever will return thither.

It is so often the case that a certain class of persons go to the United States for the sole purpose of becoming naturalized, and without intending ever to assume the obligations of citizenship. After their naturalization they return to their original home, enter into business, marry, and have families, and their children are not even sent to the United States before reaching the age of majority; in some cases not even then. They thus avoid assuming the obligations of citizenship in both their original homes and the country in which they were naturalized. The sons of some of these persons born and residing abroad do not even as much as their fathers did, that is, they fail to go to the United States on reaching the age of majority to acquire citizenship according to law; and yet they claim citizenship in our country, which they have never seen, much less resided therein; nor have they ever performed any duties or assumed any obligations of citizenship. Such a person is Mr. Robert Emden. The question is, are such persons entitled to passports, that is, to the protection of the United States Government?

I have, &c.,

M. J. CRAMER.

[Inclosure 1 in No. 229.]

Mr. Emden to Mr. Cramer.

ST. GALL, April 15, 1885.

SIR: I have to renew my application for a passport through the United States consulate at St. Gall, and have the honor to submit herewith my deposition, duly sworn to before the United States consulate at this place, and in further proof of my nationality and right to such passport inclose the certificate of naturalization of my father, which made him a citizen of the United States before I was born, and which, in conjunction with his passport, fully establishes his citizenship.

I would also respectfully refer to the statutes of 1802, sec. 2172, which reads as follows: "And the children of persons who now are or have been citizens of the United States shall, though born out of the limits and jurisdiction of the United States be

considered as citizens thereof." Also the United States statute of 1855, in which it is provided by law that persons born out of the limits and jurisdiction of the United States whose fathers were or *shall be* at the time of their birth citizens of the United States, *provided* that the right of citizenship shall not *descend* to persons whose fathers *never* resided in the United States.

Of course, there can be no question raised as to whether my father ever resided in the United States, as he holds a passport issued by yourself on the 16th day of February, 1885.

I hope you will be able to grant me my passport on this additional proof of my undoubted nationality without further trouble to yourself.

If, however, you are still undecided about the matter, I would respectfully request that you submit copies of my letters with inclosures, &c., to your Government, and ask that it may have the earliest attention possible, as the delay is interrupting my studies and causing me considerable trouble.

I hope you will be kind enough to make a copy of my father's certificate of naturalization and attach it to my affidavit, the cost of which will be paid by my father.

I am, &c.,

ROBERT EMDEN.

[Inclosure 2 in No. 229.]

Robert Emden, being duly sworn, upon oath deposes and says that he is the identical person named in a passport issued to Moritz Philip Emden on the 15th day of February, A. D. 1883, by the Hon. M. J. Cramer, minister resident of the United States, residing at Berne, Switzerland, in which passport this deponent is described as the minor child of the said Moritz Philip Emden, then a citizen of the United States, temporarily residing at St. Gall, Switzerland. This deponent further declares that at the time of his birth his father, the said Moritz Philip Emden, was a full and lawful citizen of the United States, and enjoyed and still enjoys all privileges as such subject, his last passport having been issued to him by the minister resident of the United States at Berne on the 16th day of February, 1885.

This deponent further declares that at the time of his birth his father was a full citizen of the United States, as is evidenced by a duly-authenticated copy of a certificate of naturalization issued by the superior court of the city of New York, herewith submitted, and marked Exhibit A.

This deponent further declares that it was always and still is his wish and desire to remain a citizen of the United States; that he has never performed any deed or act which would void his citizenship or place him without the jurisdiction or protection of the Government of the United States; that it is the full intention of this deponent to return to the United States to live at some future time; that the object in asking a passport from the American minister at Berne at this time is to enable this deponent to complete his studies at the Strasburg University in Germany, as it is well understood that the police regulations of the German Empire require the deposition of a passport or other papers showing the nationality of the person, and as this deponent has arrived at the age of 21 years his name has been excluded from his father's passport, and his only remedy is to make direct application to the proper representative of (his) the Government of the United States at Berne.

ROBERT EMDEN.

ST. GALL, *April* 15, 1885.

Subscribed and sworn to before me at the consulate of the United States at St. Gall, Switzerland, this 15th day of April, A. D. 1885.

EMORY B. BEAUCHAMP,
United States Consul.

No. 618.

Mr. Cramer to Mr. Bayard.

No. 235.]

LEGATION OF THE UNITED STATES,
Berne, June 20, 1885. (Received July 6.)

SIR: Hermann Blümeling, a German by birth, was naturalized in the court of common pleas of Hudson County, State of New Jersey, on the 24th of October, 1870, as will appear from a copy of the inclosed certificate of naturalization.

Said Hermann Blümeling was married to Margareth Job at Hoboken, N. J., on the 10th of June, 1862. On April 16, 1872, a son was born to them at Elizabeth, N. J., who was baptized in St. Michael's Roman Catholic Church of that city on May 4, 1872, receiving the name of Carl Henry Felix Blümeling.

On the 3d of May, 1873, said Hermann Blümeling died at Elizabeth, N. J.

Mrs. Margareth Blümeling, his widow, for the purpose of improving her health, went to the canton of Grisons, Switzerland, accompanied by her son, whose name is mentioned above, having no other official document of legitimation than her husband's certificate of naturalization, a copy of which is herewith inclosed.

She has since then become weak-minded or insane, so that she was placed in an insane asylum at Pirminsberg, canton of St. Gall, Switzerland, where she is still. The police authorities of the canton of Grisons made application in her and her son's behalf to the United States consul at St. Gall for a passport for herself and her son, referring to Article IV of the treaty concluded between the United States and Switzerland in 1850.

The United States consul at St. Gall referred this application to this legation; but, as stated by said police authorities, Mrs. Blümeling being insane and her son being a minor, they are thus unable to comply with the requirements prescribed for the purpose of obtaining a passport. As this legation has no authority to modify or suspend these prescribed requirements, it sees itself unable to issue a passport in this case. I therefore take the liberty to refer it to the Department, with the respectful request for instructions in what mode or form a passport may be issued to this unfortunate lady and her son, who is a minor.

I have, &c.,

M. J. CRAMER.

No. 619.

Mr. Bayard to Mr. Cramer.

No. 145.]

DEPARTMENT OF STATE,
Washington, June 27, 1885.

SIR: Your dispatch No. 229, of the 8th instant, referring to the passport application of Robert Emden, has been received. This seems to be the same case as the one referred to in your No. 203, of the 16th of February last, which was fully disposed of in instruction No. 130, of the 10th of March last, approving your letter to Mr. M. P. Emden of the 11th February last. In that dispatch the name of Mr. M. P. Emden's eldest son was not given, but it is supposed that the Robert Emden in your No. 229 is the eldest son previously alluded to. This Department sees no reason to change its former decision, as conveyed in instruction No. 130, that the passport application of Mr. Robert Emden, although he is the son of a naturalized American, cannot be granted, because he is not and never has been "dwelling in the United States," according to section 2171 of the Revised Statutes, which phrase it is noticed is carefully omitted from the version of the statute given in Mr. Robert Emden's letter of the 15th of April last to you, if the copy of it inclosed in your No. 229 is correct.

I am, &c.,

T. F. BAYARD.

No. 620.

Mr. Porter to Mr. Winchester.

No. 4.]

DEPARTMENT OF STATE,
Washington, July 11, 1885.

SIR: Mr. Cramer's No. 235, of the 20th of June, asking for instructions in regard to issuing a passport to Mrs. Mary Blümeling, an inmate of an insane asylum at Pirminsberg, Switzerland, is received.

It appears that Mrs. Blümeling derives her American citizenship from her husband, Hermann Blümeling, who, as shown by a copy of his citizen-paper inclosed in Mr. Cramer's dispatch, was duly naturalized in Jersey City on the 24th October, 1870, and therefore is entitled to have a passport.

The only objection to issuing the passport arises from the fact that the person applying for it having become insane cannot make the written application and affidavit and take the oath of allegiance as required by diplomatic regulations issued by this Department.

In answer to this it may be said that as a general rule the affidavits and other similar applications of the guardian or nearest friend of an insane person are received, where the object is to assert a right, as if made by the insane person himself. Even were this not the case, the regulations in regard to issuing passports are not imposed by Congress, but are discretionary with the Executive, and may at any time be interpreted or modified by the Department of State. They should certainly not be applied in such a way as to exclude from a passport persons by whom it may be most needed, as in the present case.

You are therefore instructed to issue a passport to Mrs. Blümeling in accordance with section 120 of personal instructions, the requisite declarations being made by her guardian or some friend acting for her. The name and date of birth of her minor child should also be inserted in the passport of the mother.

It is to be observed in this connection that the statute of 2d of August, 1882, prohibiting the immigration of a "lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge," applies by its terms only to persons who are not citizens of the United States.

It is not understood from Mr. Cramer's dispatch that the applicants are unable to pay the usual passport fee.

I am, &c.,

JAS. D. PORTER,
Acting Secretary.

No. 621.

Mr. Bayard to Mr. Winchester.

No. 12.]

DEPARTMENT OF STATE,
Washington, August 15, 1885.

SIR: Your dispatch No. 5, July 30, 1885 (Consular series), in which you ask as to the meaning of the "personal instructions" received by you from the Department of State, dated July 3, 1885, in regard to marriages, has been received.

These instructions are explained in some detail in a circular to the

consular officers of the United States, a copy of which is hereto attached, and which you may have already received. I begin in addition to make the following statements:

(1) In the opinion of the Secretary the act of Congress to which you refer does not affect marriage of persons domiciled in the particular States of the Union. Each of these States is supreme in its legislation as to all matters relating to the conditions of marriage, as well as of divorce, within its limits.

(2) Even to marriage abroad of persons domiciled in the District of Columbia or in the Territories over which Congress has jurisdiction, the presence and attestation of a consular officer is not, under the act of Congress, necessary. Such marriages, if otherwise valid in the District of Columbia or in the Territories, would be valid, although not solemnized before a consular officer. Nor does the presence of a consular officer by itself give validity to marriages otherwise invalid.

(3) It is very questionable whether, even as to marriages of persons domiciled in the District of Columbia and in the Territories, the act of Congress has any effect out of those jurisdictions. It is a principle of international law that the forms of solemnizing marriages must conform to the rules established by the law of the place of solemnization. No particular sovereign can withdraw from the operation of that principle the marriages of his subjects when solemnized abroad. He may say, "In my own dominions these marriages shall be valid," but he cannot by such a decree change the rule of international law in this respect, which is accepted by foreign nations. In other words, the general position is, that a local law cannot extraterritorially affect the law of nations. We have applied this rule to cases where foreign sovereigns have attempted by local decrees to vary international law in respect to blockade and to piracy. There is no reason why the same rule should not be applied in respect to marriage, and the British Government in its instructions to its diplomatic agents has been careful to make this distinction. It has told them that while marriages of British subjects abroad in ambassadors' residences would be valid in the British dominions, they are, in the opinion of the crown officers, "not necessarily valid without the dominions of Her Majesty." (See Lord Stanley's letter of February 8, 1867, cited in 2 Fraser on Husband and Wife, 2d edit., (Edinburgh, 1878), 1312.)

(4) There is no reason, however, why a consul should not permit marriages of American citizens, no matter what may be their domicile, to be solemnized in his presence whenever they desire it. While he cannot either make or unmake such marriage, he gives in his certificate a memorandum which will enable him, when living, to refresh his memory when called as a witness to the fact of the marriage, and, after his death, such a memorandum may be admissible as documentary proof of the marriage. The fact, also, that the marriage took place in his presence would lead to the inference that it was entered into advisedly.

(5) The conclusion, which cannot be too strongly impressed, is that when a marriage is solemnized by citizens of the United States in a foreign civilized country, the form of solemnization must be in accordance with that prescribed by the local civil law. If the mode of solemnization is good by this law, it is good everywhere; if it is bad by this law, it is bad in all countries which do not specially validate it by statute. It is true that there are certain exceptions to this rule, in respect to local forms which are oppressive or which are impossible or which militate against the rational religious convictions of the parties; but these exceptions are so rare that it is not necessary here to notice them, or to

regard them as in any way diminishing the force of the rule that the mode of solemnization must be in accordance with the law of the place of solemnization.

It is true, also, that in some European countries the law is that it is sufficient to validate the marriages of foreigners within their boundaries that the law of the domicile of the parties be observed. But this is only an application of the rule that the law of the place of solemnization must in such cases be supreme. When it says, "You can follow the law of your domicile," it gives effect to the law of such domicile only because it itself chooses so to ordain.

In conclusion, the importance of the maintenance in this respect of the supremacy of the law of the place of solemnization cannot be too highly estimated, nor can our consular and diplomatic representatives impress too strongly this rule upon those who come to them for advice. Any variation from this rule may lead to the annulling of marriages entered into in good faith, and in the bastardizing of the issue of such marriages.

It is proper to add that the object of this instruction is not to determine as to the validity of any particular marriages that have taken place or may hereafter take place. Questions of this class are for the judicial tribunals. The function of this Department is simply to instruct its diplomatic representatives in civilized countries what advice to give citizens of the United States applying to them for information as to the proper mode of solemnizing marriages, and the answer must be that the ceremonial prescribed by the law of the place of the ceremony must be adopted. They should also be advised that the act of Congress above referred to cannot operate outside of the District of Columbia and the Territories, and that even to persons domiciled in the latter jurisdictions it is a matter of doubt, which can only be settled in each case by judicial decision, whether the act would be regarded by foreign courts as changing, so far as concerns their action, the rule of international law above stated.

I am, &c.,

T. F. BAYARD.

No. 622.

Mr. Winchester to Mr. Bayard.

No. 8.]

LEGATION OF THE UNITED STATES,
Berne, August 26, 1885. (Received September 7.)

SIR: Referring to dispatches No. 130, March 10, 1885, and No. 145, June 27, 1885, addressed by the Department of State to my predecessor, in reference to the application of Mr. Robert Emden for a passport, I have the honor to submit the following statement:

The dispatch No. 145, June 27, 1885, was received by this legation after the departure of my predecessor, and I had assumed the duties of the position. Immediately upon its receipt Mr. Staub, the United States consul at St. Gall, from whence Mr. Emden's application was made, was informed as to the decision of the Department in Mr. Emden's case, and the citation of the section of the Revised Statutes relating thereto, as set forth in the dispatch. This legation is now in receipt of a letter from Mr. M. Ph. Emden, the father of Robert Emden, urging the claim of his son to a passport.

It has occurred to me that the Department may have labored under a misapprehension as to the correct status of Mr. Emden. It does not seem to me that his case is embraced by section 2172 of Revised Statutes, under which it is placed by dispatch of June 27, 1885. That section could only apply to children *in esse* at the time of the naturalization of the parent. Whereas Mr. Robert Emden was born in 1862, and his father was naturalized in 1854.

Is not his claim to citizenship to be determined under section 1993 Revised Statutes, whereby the father's naturalization conferred upon his children subsequently born the privileges of citizenship, though "born out of the limits and jurisdiction of the United States"?

Mr. Emden has made affidavit, accompanied with satisfactory proof, that he is the identical person named in a passport, issued under instruction from the Department of State, No. 19, January 12, 1883, by this legation to M. Ph. Emden, in which he was described as a minor child of said M. Ph. Emden; and further, that it is his intention soon to return to the United States, and that the passport is desired for the purpose of continuing his studies in Germany. In view of the facts stated, I have felt constrained to accede to the request of Mr. Emden, and resubmit his case for the consideration of the Department. However, I felt it to be my duty to say that there are other grave features in Mr. Emden's case, which may materially affect its apparent merit.

Mr. Emden, although twenty-three years of age, has never been within the sovereignty or territorial jurisdiction of the country whose protection he claims. Whilst continuous residence abroad does not of itself work a forfeiture of citizenship, certainly the right of an unlimited residence away from a country, the citizenship of which is claimed by one of foreign birth—by inheritance, as it were, from a naturalized parent—is very undesirable and rests upon very precarious foundation. Such persons, as a matter of decency, even if not of statutory requirement, should be compelled, at least occasionally, by their personal presence, to evidence a willingness to contribute to the support and assume the obligations of a citizenship which they are so quick to invoke in their behalf when demanded by their interests.

My brief experience has furnished ample evidence that many aliens seek naturalization in the United States without any design of permanent residence there, but solely for the purpose of returning either to their native or some contiguous country, and, by means of their citizen's papers, escape obligations to the country of their actual habitation and discharge none to the country of their adoption. It is a shameful prostitution of American citizenship, and it will doubtless some day necessitate the enactment of a law limiting the time which a citizen shall absent himself under a pretended *animo revertendi*, enjoying the advantages of two nationalities without participating in the burdens and duties of either.

The books of reference within reach of this legation being very limited, I have not been able to find any statement of the law as established by precedent or judicial decisions, as to what should be regarded as evidence of the absence of an intent to return, and what is the extent of the obligation of the Government towards those claiming to be citizens domiciled for many years uninterruptedly in foreign countries, engaged in business, marrying, and their children claiming citizenship of a country they never have and in all probability never will see.

To what extent can this be carried before the right exists to justify by a refusal of the recognition of the claim of protection by means of a passport?

Without any purpose to prejudice the case of Mr. Emden, it should probably be stated that Mr. Emden's father, Mr. M. Ph. Emden, experienced considerable difficulty in securing the renewal of his passport, it being the subject of correspondence between the State Department and my predecessors from April, 1881, to January, 1883, when, by instruction from the Department, it was issued, having been previously twice refused. A full history of his case, if desired, may be found in dispatches No. 203, April 23, 1881, No. 12, November 14, 1882, and No. 19, January 12, 1883. The dispatches referred to herein are those from the State Department to this legation.

I have, &c.,

BOYD WINCHESTER.

No. 623.

Mr. Porter to Mr. Winchester.

No. 14.]

DEPARTMENT OF STATE,
Washington, September 14, 1885.

SIR: In reply to your No. 8, of 26th August, 1885, concerning the application of Mr. Robert Emden for a passport, I have to say that I now understand the facts in the case to be as follows: Mr. Emden was born in Switzerland in 1862, and has never been in the United States. His father, a Swiss by origin, was naturalized at New York in 1854, and appears to have soon afterwards returned to Switzerland, where, as far as the papers show, he is still resident.

In view of the many attempts in late days of persons, Swiss by birth, to relieve themselves of Swiss allegiance by formal naturalization in this country, without accepting permanently the duties imposed by citizenship in the United States, it is impossible not to desire to scrutinize closely an application of this kind, made by a young man who has never been in the United States, basing his claim on the naturalization of his father, who appears never to have permanently accepted the duties of his naturalization.

Undoubtedly, by the law of nations, an infant child partakes of his father's nationality and domicil. But there are two difficulties in the way of applying this rule to the present case. In the first place, a parent's nationality cannot, especially when produced by naturalization, be presumed to be adhered to after a residence in the country of origin for so long a period as in the present case. In the second place, the rule as to children only applies to minors, since when the child becomes of age he is required to elect between the country of his residence and the country of his alleged technical allegiance. Of this election two incidents are to be observed; when once made it is final, and it requires no formal act; but may be inferred from the conduct of the party from whom the election is required.

Applying these tests to the present case it can hardly be said that Mr. Robert Emden's claim to be a citizen of the United States is, as a matter of international law, made out. The burden of proof is always on the applicant for the passport, and here there is no evidence to prove either his father's non-abandonments of his United States citizenship or his own election of such citizenship, save the applications of father and son for passports.

In the foregoing remarks, the sections of the Revised Statutes bearing on questions of this class have not been considered. These sections are as follows :

SEC. 2172 [originally enacted April 14, 1802]. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject by the Government of the United States, may have become citizens of any one of the States, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof. * * *

SEC. 1993 [originally passed April 9, 1866]. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

If reliance is placed on the first clause of section 2172, the application must fail, since that clause applies only to children "dwelling in the United States." If, however, Mr. Emden seeks to come in under the second clause of section 2172, or under the more general terms of section 1993, he is met with the difficulty that he is no longer a "child," but that he is of full age, and that his citizenship is no longer derivative, but is a matter of personal election. If he solemnly elected, on arriving at full age, to be a citizen of the United States, the proofs of such election must be produced. If, on the other hand, he made no such election, but by remaining in Switzerland is to be inferred to have accepted Swiss nationality, he cannot now obtain a passport as a citizen of the United States. If this be the case, his proper course, should he desire to become a citizen of the United States, is to come here in person and become naturalized.

In accordance with these views, you are, therefore, requested to decline to issue a passport to Mr. Robert Emden.

I am, &c.,

JAS. D. PORTER,
Acting Secretary.

No. 624.

Mr. Winchester to Mr. Bayard.

No. 23.]

LEGATION OF THE UNITED STATES,
Berne, October 29, 1885. (Received November 10.)

SIR: The Federal Assembly, at its session of June, 1885, resolved to revise articles 31 and 32 of the constitution, concerning freedom of trade and the right of the cantons to levy import duties on wine and spirituous liquors.

This resolution was submitted to the popular vote on the 25th instant, and was carried by a majority of 72,584, the vote standing, yeas, 229,619; nays, 157,035. It will be the duty of the Federal Council to prepare and submit to the Federal Assembly for its consideration and adoption suitable and efficient laws for the execution of the proposed revision.

This amendment of the constitution presents two prominent features. It is a surrender, or rather a return, to the cantons of a right transferred to the federal Government by the constitution adopted in 1874, as to the regulation and taxation of public houses and retail of spirit-

nous liquors in such manner as may be necessary for the public welfare. It is also the result of a movement to resist and correct the evil influences attending the free distillation of what are known as potato spirits, the use of which has become very alarming, both as to quantity and its ruinous consequences. The statistics of the penitentiaries, lunatic asylums, and houses of reform, all unite in reporting the use of this peculiar distillation, which is said to possess a very large per cent. of fusil oil, as very rapidly increasing the number of alcoholic patients and criminals. The report for 1883 shows that 40 per cent. of the male and 23 per cent. of the female convicts were intemperate, and of children placed in houses of correction, 45 per cent. of the boys and 50 per cent. of the girls were attributed to the same cause. It is estimated that 1,440,000 liters (a liter approximates a quart) were distilled last year, consuming 72,000 sacks of potatoes, of 200 pounds each. The object of the revision is mainly to restrict by taxation the distillation of this brandy, as it is known in Switzerland.

Under the existing law many of the cantons were allowed to retain their import duty on wines and spirituous liquors until 1890, but by the proposed revision, the right will terminate, except in so far as to legislate against the introduction of adulterated or impure compounds. The net receipt from the license of public houses and retail sales of quantities less than 2 liters, is to go to the cantons from which realized. The net receipt from the tax on distillation and additional import duty on spirituous liquors is to be distributed between the cantons in proportion to population, with the proviso that at least 10 per cent. of this amount must be devoted by the cantons to temperance propaganda. The cantons are in this way indemnified for the loss they suffer in being deprived of their geld on cantonal duty, which to the canton of Berne is equal to a million of francs per annum. It is doubtful if the needed legislation for the carrying out of this important revision of the constitution, can be obtained sooner than the spring session of the Federal Assembly.

I am, &c.,

BOYD WINCHESTER.

No. 625.

Mr. Winchester to Mr. Bayard.

No. 24.]

LEGATION OF THE UNITED STATES,
Berne, November 4, 1885. (Received November 16.)

SIR: I have the honor respectfully to ask instructions in the following case:

Richard Greisser submits the following facts to this legation, upon which he desires "papers to establish his American citizenship," which would be a passport.

His father emigrated from Germany to the United States in March, 1867, locating at Delaware, Ohio; there he married a lady from Balothal, Switzerland, in 1868, and in September, 1869, the petitioner was born. His father returned to Germany in 1870, and as far as known, had not "declared his intention to become a citizen." He died soon after his return to Germany, and the mother and son shortly afterwards removed to her native place in Switzerland, where they have since that time and are now residing.

Mr. Greisser makes his claim of citizenship on the ground of being born in the United States.

The precedents and instructions bearing upon this case, so far as the limited library and the records of this legation furnish, are so unsatisfactory and conflicting that I have declined to do anything until specially instructed from the Department.

On the one hand, regardless of section 1994, Revised Statutes, and the fourteenth amendment to the Constitution, where the meaning may be embarrassed by the words "not subject to any foreign power," and "subject to the jurisdiction thereof", I find it held by the Attorney-General, in 1859, that "a free white person born in this country of foreign parents is a citizen of the United States," and again, in 1862, "a child born in the United States of alien parents who have never been naturalized is, by fact of birth, a native-born citizen of the United States, and entitled to all the rights and privileges of citizenship." This doctrine was distinctly announced by the Secretary of State, Mr. Fish, in 1873, and asserted with the sanction of the Department in a case very similar to this one, arising in Germany in 1882.

The weight of opinion seems to be, that where native-born children are removed from the United States while under parental control, and domiciled abroad with their parents, they have the right of election of citizenship on arriving at maturity; that it is a birthright, and cannot be divested without the consent of the party enjoying it.

On the other hand, I find the nationality by birth laid down as follows by Wharton, Conflict of Laws, section 10:

The children born abroad of American citizens are regarded as citizens of the United States, with the right, on reaching full age, to elect one allegiance and repudiate the other; the same conditions apply to children born of foreigners in the United States.

This is substantially repeated in the inclosure from the Law Bureau of the State Department of date May 4, 1885, which states—

That the citizenship of the father descends to the children born to him when abroad, is a generally acknowledged principle of international law.

It has also been intimated, if not expressly held, that there should be a personal subjection to the jurisdiction of the United States to complete and maintain this character of or claim of citizenship.

Young Greisser produces certificate of marriage of his parents, and certificate of his birth, properly authenticated, and doubtless the facts as stated by him are true. Shall this legation issue a passport to him?

I have, &c.,

BOYD WINCHESTER.

No. 626.

Mr. Bayard to Mr. Winchester.

No. 26.]

DEPARTMENT OF STATE,
Washington, November 28, 1885.

SIR: Your No. 24, in regard to the request of Richard Greisser for a passport, has been received. In reply, I have to say that on general principles of international law I do not consider that Richard Greisser is a citizen of the United States. He was, it is true, born in 1867 in the State of Ohio. His father, however, was at that time a German subject, and, so far as we can gather from the facts stated, domiciled in

Germany. The son, therefore, so far as concerns his international relations, was at the time of his birth of the same nationality as his father. Had he remained in this country till he was of full age and then elected an American nationality, he would on the same general principles of international law be now clothed with American nationality. But so far from this being the case, he left this country with his mother when he was under two years old, apparently joining the father in Germany, to which country the latter had previously returned, and then, after his father's death, moved with his mother to Switzerland. His technical nationality and domicile would, therefore, during his minority and his father's life, be in Germany, and afterwards in Switzerland.

It does not follow, however, that though on general principles of international law his nationality and domicile are in Germany, he may not in this country by force of our special legislation be a citizen of the United States and as such entitled to a passport. We have in the naturalization legislation of modern civilized states numerous illustrations of the rule that the law of nations, as to particular matters, may be, as to such particular countries, either expanded or contracted by local legislation, and we have, therefore, to inquire how far the rule above stated is affected by the legislation of the United States.

By section 1992, Revised Statutes, enacted in 1866—

All persons born in the United States, *and not subject to any foreign power*, excluding Indians not taxed, are declared to be citizens of the United States.

By the fourteenth amendment of the Constitution of the United States, ratified in 1868—

All persons born or naturalized in the United States, *and subject to the jurisdiction thereof*, are citizens of the United States and of the State in which they reside.

Richard Greisser was no doubt born in the United States, but he was on his birth "subject to a foreign power" and "not subject to the jurisdiction of the United States." He was not, therefore, under the statute and the Constitution a citizen of the United States by birth; and it is not pretended that he has any other title to citizenship.

I am, &c.,

T. F. BAYARD.

TURKEY.

No. 627.

Mr. Heap to Mr. Frelinghuysen.

No. 451.]

LEGATION OF THE UNITED STATES,
Constantinople, November 21, 1884. (Received Dec. 10.)

SIR: I respectfully submit for your information copies, with translations, of three notes from this legation to the minister of foreign affairs relative to the claim of an Ottoman subject, Serkis Kurkdjian, against the Rev. George C. Knapp, an American citizen.

The case briefly stated is as follows:

Mr. Knapp purchased in 1859 a dwelling-house in Bitlis, Armenia, belonging to an insolvent debtor of the Ottoman Government, and which

was offered for sale by the Imperial authorities of that place. Mr. Knapp having complied with all the requirements of the law, obtained a full and complete title to the property in the name of an Ottoman subject, as foreigners were not at that time allowed to hold real estate in Turkey. Subsequently, in 1877, when the law was enacted enabling foreigners to own real property the title deeds were made out in his name and delivered to him.

In 1866, however, Serkis Kurkdjian, the son of the former owner of the property, commenced proceedings to recover possession, and the case was called up successively before three different courts, the last one being the cheri-ecclesiastical court—the highest tribunal in matters of real estate, whose decisions are without appeal—and their findings were in each case adverse to Kurkdjian and confirmed Mr. Knapp's title. Kurkdjian persevered, however, and two years ago obtained from the president of the court of first instance at Bitlis a decision declaring the sale illegal and sentencing Mr. Knapp to restore the property and pay to Kurkdjian a considerable sum for rent, damages, and interest.

I endeavored, as the inclosed correspondence will show, when I was in charge of the legation, to obtain an order from the Porte to stop these proceedings, but my remonstrances were of no avail, and I received on the 18th instant a note from the ministry of foreign affairs requesting me to order Mr. Knapp to restore the property in question to Kurkdjian. I inclose copies of this note and my answer, with translation.

Mr. Knapp was with Mr. Reynolds in their unfortunate encounter with Moussa Bey, and has left for the United States. I have advised him to call at the Department to give such further explanations as might be required both in regard to the Moussa Bey affair and this attempt at spoliation.

It seems evident that if the Government was at fault in selling the property at Bitlis, it is not Mr. Knapp who should be made to suffer for the error, and if he should eventually be compelled to surrender the property it should not be done until the amount paid for it, the sums expended for repairs and improvements, and the interest of the money has been refunded.

I am, &c.,

G. H. HEAP,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 451.—Translation.]

Mr. Heap to Sawas Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, March 23, 1880.

In answer to the note addressed to this legation by the Imperial ministry of foreign affairs, relative to the property belonging to Mr. Knapp, a citizen of the United States of America residing in Bitlis, and claimed by a certain Serkis, an Ottoman subject, I have the honor to submit to your excellency that about twenty-four years ago an Armenian died who was declared an insolvent debtor of the Ottoman Government. In August, 1859, his house was put up at public auction by a Government official, and Mr. Knapp, having made the highest bid, a mazbata, signed by the aforementioned official, as well as by all the members of the medjlis of Bitlis, was given to him on the 25th of August, 1859, to assure him the possession of the hadjet.

The following day, August 26, 1859, at the mekhémé of Bitlis, the Cadi Abdul Aziz Effendi gave Mr. Knapp the hadjet of the property in the name of Bedras, son of Kirkas, as at that time American citizens had not yet obtained the right to possess real property in Turkey. This hadjet contains all the particulars relative to the manner of and the motives which induced the Ottoman Government to make this sale.

In 1875, by a document given to Mr. Knapp, the council of Bitlis recognized him as absolute proprietor of the said house ; Bedras, in this instance, simply lending his name.

Serkis, son of the former proprietor of the said house, brought in 1866 an action against Mr. Knapp, the consequence of which was that his demand was rejected and Mr. Knapp received an ilam by which he was declared unquestionably proprietor of the house in question.

Later, another attempt was made by the same Serkis, and the governor of Erzeroum after examining the said papers, namely, the mazbata, the hadjet, and the ilam, gave a decision against Serkis.

In presence of what has been said, and of the documents mentioned above of which copies certainly exist in the archives of Bitlis, as well as the special circumstance, which is, that Mr. Knapp did not buy the property in question from a private person but from the government itself, it is with regret that I see myself under the necessity of informing you, excellency, that the legation of the United States of America finds it impossible to comply with the wish expressed by the Sublime Porte in the above-mentioned note, which requests Mr. Knapp to be required to appear again before the tribunal for this affair, the more so as Mr. Knapp has nothing in common with the said Serkis.

This legation has no doubt that the Imperial ministry of foreign affairs will appreciate the justice of this, and will also acknowledge that if Serkis had the right to bring an action against any one it could certainly not be against Mr. Knapp, who bought the property claimed from the Government, and the purchase of which by Mr. Knapp was confirmed three times.

Accept, &c.,

G. H. HEAP.

[Inclosure 2 in No. 451.]

Mr. Heap to the ministry of foreign affairs.

LEGATION OF THE UNITED STATES,
Constantinople, October 29, 1880.

In answer to the *note verbale* of the Imperial ministry of foreign affairs, numbered 59,177: 12, the American legation hastens to inform that ministry that if it did not feel called upon to request Mr. Knapp to appear before the competent tribunal of Bitlis in order to answer to pretended difference with the Ottoman subject Serkis, it was because it considered all legal measures in this matter to have been fulfilled, as it stated in the note of this legation No. 6, dated the 23d of last month, addressed to the Imperial ministry of foreign affairs, copy of which is herewith inclosed, which gives a circumstantial detail of the purchase by Mr. Knapp of the property which is the subject of complaint of the Ottoman subject Serkis.

In case the Imperial Government should not feel satisfied with the explanations contained in the said note, it has every means in its power of obtaining information from the authorities indicated.

This legation hopes that the Imperial ministry of foreign affairs will recognize the eminent injustice of obliging Mr. Knapp, for having in good faith bought a property sold to him by the Imperial Government itself, to appear again before the tribunals to answer the vexatious charges of an individual he does not even know, and with whom he has nothing in common.

If the Ottoman subject Serkis wishes to bring an action for the recovery of the property he should bring it against the Imperial Government who sold it, and not against Mr. Knapp who bought it from the Government in good faith, after fulfilling all the conditions required of him, and paying the entire sum into the hands of the competent authority.

Accept, &c.,

G. H. HEAP.

[Inclosure in 3 in No. 451.]

*Mr. Heap to Assim Pasha.*LEGATION OF THE UNITED STATES,
Constantinople, July 11, 1881.

MR. MINISTER: I received a letter from the Rev. Mr. Knapp, an American citizen residing at Bitlis, who complains again of the annoyances caused him by a recent decision of the court of that city.

To make your excellency acquainted with Mr. Knapp's complaint, it will be necessary for me to review what I have already had the honor to transmit to your excellency.

About twenty-four years ago Mr. Knapp leased a house in Bitlis belonging to an Armenian, this Armenian died before the expiration of the lease, and was declared an insolvent debtor by the Ottoman Government, and in August, 1859, his house was put up at public auction by an authorized official of the Government. Mr. Knapp being the highest bidder, a mazbata, signed by the said official, as well as by all the members of the medjlis of Bitlis, was delivered to him on the 25th of August, 1859, to assure him the possession of the hadjet.

The following day, August 26, 1859, at the mekhémé of Bitlis, the Cadi Abdul Aziz Effendi gave Mr. Knapp the hadjet of the property in the name of Bedras, son of Kirkas, as at that time American citizens had not yet obtained the right to possess real property in Turkey. This hadjet contains all the particulars relative to the manner and to the motives which induced the Government to make the sale.

In 1875 by a document given to Mr. Knapp, the council of Bitlis recognize him as absolute proprietor of the said house, Bedras, in this affair, simply lending his name.

Serkis, son of the first proprietor of the said house, brought in 1866 an action against Mr. Knapp, the consequence of which was that his demand was rejected and Mr. Knapp received an ilam by which he was declared unquestionably proprietor of the house in question. Later, another attempt was made by the same Serkis, and the governor of Erzeroum, who, after examining the papers above mentioned, that is to say, the mazbata, the hadjet, and the ilam, gave a decree against Serkis.

Now, a judge recently appointed at Bitlis opens the question again, and declares the property to have been *illegally sold*, and that Mr. Knapp must give it up to the claimant, and, further, pay him 200 livres damages.

It is with regret that I feel myself again under the necessity of asking for the intervention of the Imperial Government to put an end to these vexations and this persecution, as one can give no other name to this Serkis's maneuvers.

It is clear that if, as was decided by the judge of Bitlis, the Ottoman Government sold this property illegally, the Government should suffer the consequences and not Mr. Knapp, who bought it in good faith and who has been in possession for 22 years with his title deeds legalized and confirmed by all the formalities required by the Ottoman legislation as well as by its authorities.

I hope your excellency will recognize the eminent injustice of obliging Mr. Knapp for having in good faith bought a property which was sold to him by the Government, after fulfilling all the conditions required of him and who paid the entire sum into the hands of the competent authorities, to be obliged to appear again before the tribunals to answer the vexatious demands of Serkis. If the latter, who is an Ottoman subject, wishes to sue any one about this property, he should sue the Ottoman Government and not Mr. Knapp. The Government gave Mr. Knapp his title deeds; it is therefore the duty of the Government to defend him.

If your excellency wishes to examine or have examined authenticated copies of the title deeds of Mr. Knapp, I will hasten to transmit them to you.

In consequence of what precedes, I beg your excellency to give instructions to the governor or pasha of Bitlis not to allow Mr. Knapp to be molested nor evicted from the house in question until the case be considered here and a decision taken. And in consideration of the urgency of the case, the slowness of postal communication, and the arbitrary behavior of the authorities of Bitlis, I beg your excellency to give them their instructions by telegraph.

Accept, &c.,

G. H. HEAP.

[Inclosure 4 in No. 451.]

Ministry of foreign affairs to the legation of the United States at Constantinople.

SUBLIME PORTE, November 18, 1884.

The legation of the United States remembers that the property in contestation between the Rev. Mr. Knapp and the Ottoman subject Serkis Kurkdjian was adjudged to the latter by a judgment of the tribunal of first instance of Bitlis.

In consequence of information and explanations furnished by the United States legation, the ministry of justice gave this affair serious examination; it results to-day, from a report from that department, that the judgment given has acquired a final character, and that, moreover, in matters of property, foreign intervention is not admitted.

The Imperial ministry would be, therefore, very much obliged to the legation of the United States of America if it would be so good as to invite the Rev. Mr. Knapp to evacuate the house in question, reserving the right to make good his claim legally if he considers his interests injured.

[Inclosure 5 in No. 451.]

Legation of the United States to the ministry of foreign affairs.

LEGATION OF THE UNITED STATES,
Constantinople, November 20, 1884.

The legation of the United States of America has received the *note verbale* numbered 76,611 37, and dated the 18th instant, which the Imperial ministry of foreign affairs has done it the honor to address to it on the subject of the house in dispute between the Rev. Mr. Knapp and the Ottoman subject, Serkis Kurkdjian, which was awarded to the latter by a decision of the court of first instance of Bitlis, and demands that this legation should require Mr. Knapp to surrender the house in question.

The legation of the United States has on several occasions had the honor to explain to the ministry of foreign affairs the circumstances of this suit and its reasons for not thinking that it should order Mr. Knapp to submit to the claims of the said Serkis, whose only recourse is against the Imperial Government, as is explained in the note of this legation No. 64, dated the 11th July, 1881, of which a copy is inclosed, and as is shown by the documents in support which are in the possession of the ministry of justice.

Considering the unquestionable rights of Mr. Knapp in all this question, and the official documents, and the sentence which he holds given by the tribunal of the cheri, this legation thought it might hope that a just and equitable solution would have been the result of a serious examination of this question. But such not being the case, the ministry of justice insisting upon the execution of the sentence of the tribunal of first instance of Bitlis, and, on the other hand, Mr. Knapp, who had the misfortune to be the companion of Mr. Reynolds when they were attacked by Moussa Bey, being now on his way to Washington for the purpose of following up these affairs, this legation can only submit the question to his Government and ask for instructions.

No. 628.

Mr. Heap to Mr. Frelinghuysen.

No. 453.]

LEGATION OF THE UNITED STATES,
Constantinople, December 1, 1884. (Received December 22.)

SIR: Twenty-four years ago the American Board of Commissioners for Foreign Missions opened two schools at Harpoot (Armenia), one for boys and the other for girls. These schools have grown into the male and female department of the Euphrates College. No permit or license to open these schools was obtained from the Government, or seems to have been required at that period. It would appear that it was not until January, 1883, that the director of the college received a note from the mudir (sub-governor) of the district, making inquiry if the school had received the authorization required by law.

Relying upon the long period that the school had been in existence and the approval it seemed to obtain from the authorities, the missionaries did not consider it necessary to make application for a permit until April last. The application remained without notice from the

provincial authorities, who have now ordered the college to be closed, and threaten, if the order is not obeyed, to close it by the exercise of force.

I received a few days ago a letter from Mr. Peet, the treasurer of the Bible House, inclosing a statement from the director of the college, and about the same time a telegram from Colonel Everett, Her Britannic Majesty's consul at Erzeroum, was shown to me by the British chargé d'affaires, which stated that unless immediate steps were taken, the execution of the order to close the school would soon follow.

In looking into the case it will be seen that the missionaries have unfortunately failed to comply with the law. They delayed making application for a permit until a long period had elapsed after a "board of education" for the district had been organized. This board was appointed in 1876, and a permit should have been asked for at once.

This is one of the points against them. Another is, that since the law regulating the opening of schools was promulgated, additions have been built to the dwelling house of the director and converted into a school without the sanction of the authorities; and the third is that the director refused to allow an inspector of schools, appointed by the imperial authorities, to inspect the girls' school, on the ground that he was a young man and unmarried, and when the authorities sent a remonstrance on the subject to the director, he replied that it was true that he had refused admission to the inspector, and that he would continue to do so.

I inclose a copy of my correspondence with Mr. Peet, and of a note I addressed to the Porte on this subject, with a translation of the same.

This case is an additional evidence of the necessity for establishing a consulate at Siras, in Asia Minor. All this trouble would probably have been avoided if our citizens dwelling in that region had a competent and judicious person, conversant with the laws and usages, to whom they might apply in case of necessity for counsel and assistance.

American missionaries in Turkey are surrounded with people who are jealous of their work. Up to a recent period they did not meet with much opposition, but their success in establishing schools and obtaining scholars has inflamed the bigotry of rival Christian sects, and every opportunity is now taken to impede their work.

I am, &c.,

G. H. HEAP,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 453.]

Mr. Peet to Mr. Heap.

BIBLE HOUSE,
Constantinople, November 19, 1884.

DEAR SIR: Referring to our conversation of to-day in regard to Mr. Barnum's new difficulty at Harpoot, I herewith inclose a copy of a paper lately received from him on the "relation of the college (American) at Harpoot to the Turkish Government." From this it appears that the objection of the Government, although doubtless to the entire enterprise at Harpoot, is now aimed at the girls' school occupying a newly made addition to the house lately occupied by the Rev. Mr. Allen.

The case now on hand is this: During a late call by Rev. Mr. Barnum on the vali he was told (by the vali) that an order to close the girls' school had been received from the department of interior, because the building in which it was held was built for a house but now used as a school. They are daily expecting to be confronted by an officer charged with the execution of this order. If they should, it is difficult to say what the result would be, as the school is in their own private house, which they feel justified in defending from intrusion. According to their statement just at hand, the

order, if executed, will be resisted till forcible measures are used; to what extent beyond that point I can't say. They seem determined to hold out against what they deem an invasion of their rights of domicile.

The position seems to be a grave one. I hope you will write at your earliest opportunity to Mr. Barnum, giving him some hints as to the lines on which he can rely for assistance from the embassy, and, if you are willing to do so, some advice as to the course he had best pursue would be, I know, very gratefully received. I feel it to be one of those cases in which the action taken there ought to be in perfect harmony with the views held by the legation. I would suggest an early communication, as events there may come to an issue very soon.

With many thanks for the attention already bestowed upon the case,

I am, &c.,

W. W. PEET.

[Inclosure 2 in No. 453.]

Relation of the college at Harpoot to the Turkish Government.

It is now about twenty-nine years since Harpoot became a missionary station. Very soon after the arrival of the missionaries they opened a school for boys and another for girls in the city.

These were the germs which were fostered and developed until they grew into the male and female departments of the "Euphrates College."

In 1876 the first board of education for the district was organized here. They sent out a circular asking for a list of pupils and studies in all the schools. The first response to this circular was from us. This board visited the male department and the vali subsequently visited the female department, and all gave us the highest commendation. From that time to the present we have responded to every request for the programme of study, &c. The schools have had frequent visits from the higher officials in the civil and military service.

In the autumn of 1882 a superintendent of schools (*maaurif mudir*) and an inspector (*mufettish*), from the Harpoot vilayet, arrived from Constantinople. I learned at the time that before they arrived here they made the boast to some persons who went out to escort them into the town that they would take the American schools in hand. I called on them several times, and told them we should be glad of their assistance in the improvement of our schools, &c.; and although they visited the schools, they seemed to be under some restraint, but showed no open opposition.

In January, 1883, I received a note from the mudir, asking how many schools we had, and whether they had the "authorization required by law"; also the names of the teachers employed in them, and whether they had the necessary diplomas from the "department of education." To this I replied, giving a list of the teachers and the lessons which they taught, and stating their credentials, saying if something more than these credentials were needed they would be happy to be examined, each in his own department, for a diploma from the board of education. Nearly two years have passed and we have heard nothing about examinations or diplomas since.

In the same communication I stated that we had a school for males and another for females, and several departments; that the germ of the first was planted twenty-five years ago, and of the latter twenty-four years ago; that at that time, so far as we know, there were no regulations regarding permission to be obtained, and that the schools had frequently been visited officially, and no one had said that we ought to seek such permission, but we now learned it for the first time. I said, however, that we had no desire to proceed contrary to law, and made a formal request for permission. In conversation with the mudir he said that permission could be granted here if the vali favored it; if not, it must come from the central board. He promised to aid in securing it. The vali also said there could be no possible objection to it, as he said, "We have visited the schools and have already expressed our approbation."

No reply to this application having been received, as I was about to proceed to Constantinople, I spoke again to the vali (in April), saying that I would like to have the request considered, so that if it was refused here I might make application at Constantinople. He replied, "The idon myliss has been very busy, and we have not considered it; then, too, we have attached no importance to it, for what other school has received permission to be?"

The following June I mentioned the case to General Wallace, and he expressed a serious doubt as to the wisdom of making a formal application for permission, as it would be a tacit admission that we had hitherto been in the wrong; so the matter was dropped, and we have heard nothing more about it directly save occasionally rumors that the maaurif authorities proposed to close the college.

These gentlemen have been exercised about another matter. The girls' school

never had separate and special quarters. It was opened in Mr. Allen's house, and as its needs of room increased Mr. Allen gave up some rooms and built others for himself, he all the time paying a large tax on the whole building. Two years ago last spring Mr. Allen built another addition to the same building, giving up his former house entirely to the girls, and for nearly a year he occupied the new premises. One year ago he allowed the female department to go into the new rooms, and he returned to his original house.

The board of education have made formal complaint that a building which was erected as a house is now used as a girls' school, and also the inspector of schools, a young unmarried Turk, wished to see whether it was really occupying these premises, but he was not allowed to do so. The vali sent me the complaint, asking for explanation. I gave the facts about the dwelling as above, and also said that not only was the inspector denied admission to the girls' school, but he always would be.

If it is thought best to make a formal application for the college to be recognized as such, we are willing to do so, unless, as General Wallace suggested, it is implied that its continuance has been illegal, and so run the risk of a refusal, and if a firman can be secured for the premises now occupied as girls' school, we shall be only too glad, as it will save some 5 liras a year in taxes.

From the very first we have used extreme care to give the Government no just occasion to find fault. The whole trouble now comes from the two officials sent from Constantinople. Whether the animus of their strong opposition to us is from the central department at Constantinople having failed to do anything to improve the Turkish schools, they wish to show that they have done *something* by interfering with us, or whether it is envy that our schools should so far outstrip their own, is not easy to decide.

H. N. BARNUM.

HARPOOT, October 3, 1884.

[Inclosure 3 in No. 453.]

Mr. Peet to Mr. Heap.

CONSTANTINOPLE, November 21, 1884.

DEAR SIR: Dr. Barnum, of Harpoot, mentioned in a communication lately received that, in his opinion, if some notice was sent from our legation to the vali of each province in which American citizens are residing, to the effect that the English consuls are the protectors of American citizens, it would meet a felt want now. Possibly it is best not to interfere with the course which your communication to Washington may have in this regard, but on this point you will know best.

Yours, &c.,

W. W. PEET.

[Inclosure 4 in No. 453.]

Mr. Heap to Mr. Peet.

LEGATION OF THE UNITED STATES,
Constantinople, November 24, 1884.

SIR: Your letter of the 19th instant, inclosing a statement from Mr. Barnum concerning the school at Harpoot has been confirmed by a telegram the British embassy has received from Colonel Everett, Her Majesty's consul at Erzeroum. I sent Mr. Gargiulo to-day to the minister of public instruction, as I am suffering with a bad cold, &c., and cannot go myself. The minister stated that he had sent an order by the direction of the council to close all schools that had not received permits from the Government, and that he could not recall it except by order of the same council. I have written a note to the minister of foreign affairs, requesting him to have the order suspended, and made formal application for a permit for the school.

In case the authorities persist in closing the schools, my advice would be for Mr. Barnum to protest against such an act, but to offer a passive resistance only, leaving the responsibility to the authorities if they employ force, which I do not think they will venture to do.

The suggestion that I should inform the valis that American citizens are under the protection of English consuls is altogether inadmissible. I have written, as I said I would, to the Secretary of State, and must await his instructions.

G. H. HEAP.

[Inclosure 5 in No. 453.]

*Mr. Heap to Assim Pasha.*LEGATION OF THE UNITED STATES,
Constantinople, November 24, 1884.

MR. MINISTER: I have the honor to inform your excellency that I am informed by a recent communication from Harpoot that the authorities of that place have been instructed by the imperial ministry of public instruction to summarily close the American school of Harpoot on the plea that this school had not obtained a permit.

A measure of so rigorous a character could only be justified in the case of a school opened after the law on the subject was already put in vigor. But your excellency will I am sure, agree with me, that the school in question having already been in operation twenty-four years with the knowledge and to the satisfaction of the authorities who have visited it on several occasions, that a board of public instruction has been in existence in Harpoot only since 1876, and that this board never made a complaint on the subject of the permit until the end of last year, in consequence of which Mr. Barnum, the director of the school, addressed a request in due form in April last to the vali, with the object of obtaining the necessary permit; but notwithstanding all Mr. Barnum's urgency, his request has, so far, remained without effect.

Your excellency will, I am sure, acknowledge that it would hardly be equitable to take such summary action with regard to schools of this category, and that since application for a permit was made seven months since, it is but right that the result of this application should be awaited.

In order to avoid any further delay, since the vali has paid no attention to Mr. Barnum's application, I have to request of your excellency that a permit be granted for the American school at Harpoot, and to beg you at the same time to have orders sent to the authorities of Harpoot to suspend all action until this question is settled.

I beg, &c.,

G. H. HEAP.

No. 629.

Mr. Heap to Mr. Frelinghuysen.

No. 457.]

LEGATION OF THE UNITED STATES,
Constantinople, December 18, 1884. (Received Jan. 5, 1885.)

SIR: The managers of the printing establishment at the American Bible House having complained to the minister of public instruction of certain measures tending to injure the sale of the Bibles printed by them, he expressed the wish to see Mr. Gargiulo, the interpreter of the legation, on the subject. The latter called at the ministry on the 15th instant and has embodied the conversation he had with the minister in a report, copy of which is inclosed. It will be seen by this report that the new regulation of which the missionaries complain, will, if enforced, be of a nature to inflict much injury to their trade in books.

An occurrence that has recently come to light will, I fear, cause trouble to the missionaries and increase the prejudice of the Turks against the dissemination of their books among Mohammedans.

Mr. Wyndham, the British chargé d'affaires, came to see me some days ago, and informed me that Messrs. Bliss and Dwight, American missionaries, had called on him to ask for his official interference in behalf of fifteen Mohammedans who, they stated, having embraced Christianity, had been imprisoned by the Turkish authorities in a village near Constantinople, and were being starved to death. They added that there were some two hundred others in the vicinity of Mersine on the Gulf of Caramania, who were ready to abjure Islamism, and whose safety was in jeopardy. The missionaries assured Mr. Wyndham that these conversions were brought about by the reading of their books and not by personal persuasion on their part. If this is the case, the removal of obstructions to the sale of their books will become still more difficult.

In answer to Mr. Wyndham's inquiry as to what the United States legation would be inclined to do under the circumstances, I replied that I was of opinion that my Government could not interfere in the matter, as the converts are Turkish subjects, but that I would report the subject to you and await instructions. In the mean time I was ready to take any unofficial action that might be thought useful. Mr. Wyndham had already seen the ministers of foreign affairs and police, and had been assured that there was no foundation for the assertion that these men were either imprisoned or being starved.

Nothing could have occurred of a nature more likely to arouse the violent fanaticism of the Turkish population.

I am, &c.,

G. H. HEAP,
Chargé d'Affaires ad interim.

[Inclosure in No. 457.]

Mr. Gargiulo to Mr. Heap.

LEGATION OF THE UNITED STATES,
Constantinople, December 17, 1884.

SIR: I have the honor to inform you that his excellency Moustapha Pasha, minister of public instruction, having expressed the wish to see me on account of some matters concerning the American Bible and Mission Societies, I called on him on the 15th instant. He said he had sent for me to inform me that the books which are published by the Bible and Mission Societies must hereafter bear on their title-pages the inscription that they are "for the use of Protestants"; that unless this is done no publications of these societies will be allowed by the board of public instruction; that the gospel as it is published by those societies differs from the gospel of the Greeks, the Armenian, &c., and that if I doubted it he would submit a copy of it to the Greek patriarch and ask him to express his opinion on the matter.

I replied that the matter had already been argued and the discussion exhausted as to the inscription on the title-page of those books. That instead of that inscription, it had been agreed to insert on the title-page that the book was "published and printed at the expense of the American Bible and Mission Societies." That there is but one Bible and but one gospel universally for all Christians, and that it was not my business to argue about it; and as to my consenting that it should be submitted to the Greek patriarch, I could not acknowledge his authority in this question nor recognize his right to intervene in our business matters; but at the same time, I added, that I did not pretend to forbid his submitting the gospel to whomsoever he pleased. That the American missionaries had already objected to that inscription and that they will never submit to a treatment different from that offered to other creeds and sects. Finally, I asked him to show me the paragraph of the law which requires such an inscription [there is none]. To this he replied, "We make the law ourselves, to suit our convenience." I closed the discussion by saying that the question being brought to such a point, I did not feel authorized to discuss it any further unless I received instructions from the head of the legation, to whom I should report.

In connection with what precedes I must state that since three or four years a great many difficulties have been raised to the circulation of the books of the missionaries within the Ottoman dominions, in consequence of which Mr. Wallace, United States minister, caused the Ottoman Government to appoint a commission with the view of finding some method to put an end to these constant vexations. That commission, which was held at the board of public instruction, and on which Dr. Dwight and myself were appointed as commissioners, agreed that every book that was published should bear on its title-page the number and date of its authorization by the said board, with the indication that it was published by the American Bible and Mission Societies; that with regard to the books already printed and those coming from abroad, a slip of paper with the same inscription should be pasted on their title-page. There is hardly a year since this arrangement was made with the department of public instruction, and it is already totally disregarded.

The effect of accepting this new proposition will be the following:

(1) All the books which these societies have now in hand will be excluded from circulation.

(2) No book coming from abroad will be allowed to enter the Ottoman territory on account of its not having the inscription required.

(3) Finally, the Turkish authorities, immediately after its acceptance, will forbid the introduction of the books thus marked in places where there is no Protestant community, and through this policy strike a deadly blow to the business of the American Bible and Mission Societies, and completely destroy the work of sixty years.

Such being the state of affairs, I respectfully submit the case to you, sir, and await your further instructions.

I am, &c.,

A. A. GARGIULO,
Interpreter of Legation.

No. 630.

Mr. Frelinghuysen to Mr. Heap.

No. 249.]

DEPARTMENT OF STATE,
Washington, December 31, 1884.

SIR: I have received your No. 453, of the 1st instant, relative to the American "Euphrates College" at Harpoot, Asia Minor, which the local authorities there threaten to close on the plea that a permit had not been obtained.

Your note of the 24th ultimo to the minister for foreign affairs, remonstrating against any summary action of the character described, meets with the Department's approbation and approval.

You may further say to that minister that the President takes especial interest in this case, and, deeming the equities so conclusively on the side of the American college at Harpoot, he hopes that the merely technical point of the permit will be covered by the issuance of one in response to the application which was promptly made by the managers of the college as soon as they received their first official intimation that a permit was necessary.

You will press this point with all the friendly discretion at your command, since the forcible closing of the college now would have an irritating effect on American sentiment and impair the strenuous efforts of this Government to lessen the strain which has unfortunately grown up in our relations with that of Turkey.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 631.

Mr. Wallace to Mr. Frelinghuysen.

No. 460.]

LEGATION OF THE UNITED STATES,
Constantinople, January 8, 1885. (Received January 27.)

SIR: I have the honor to forward for your consideration a communication received yesterday from the Sublime Porte relative to the case of Dr. Pflaum.

You will observe his excellency admits that some "irregularities" have been discovered in the proceeding against the doctors, and then informs us that the judge and another official of the tribunal have been

relieved of their functions, and the president himself has been duly reprimanded.

Are the punishments inflicted satisfactory to the United States? It is for the President to answer.

If, without impertinence, I may express an opinion, it appears to me from the admissions here conveyed that there is a greater necessity than ever for vigorously pressing the indemnity demand in Dr. Pflaum's behalf.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 460.—Translation.]

Assim Pasha to Mr. Wallace.

SUBLIME PORTE, *January 7, 1885.*

MR. ENVOY: Referring to my note of the 30th of last April, No. 74404, 19, I have the honor to inform you that after inquiry made by the ministry of justice, it has been found that certain irregularities occurred in the management of the affairs concerning Dr. Maurice Pflaum, an American citizen. The examining magistrate, as well as the recorder of the court of Asos, have, consequently, been removed, and the president of the tribunal, himself, has been duly reprimanded.

Accept, &c.,

ASSIM.

No. 632.

Mr. Frelinghuysen to Mr. Heap.

No. 251.]

DEPARTMENT OF STATE,
Washington, January 10, 1885.

SIR: I have received your No. 457, of the 18th ultimo, relative to the sale of books printed at the American Bible House, and the obstructions placed upon the sale of such volumes by the Government of Turkey. You also inclose a report of an interview between Mr. Gargiulo and the minister of public instruction respecting the subject.

You will say to the Government of Turkey that we regard this matter as settled by mutual agreement, as Mr. Gargiulo's report competently shows. The joint commission of a year ago, to which he alludes, prepared regulations for the class of publications mentioned in your dispatch, and we assented to them. This, then, constitutes an international understanding and one not to be set aside by either party unless for good and sufficient reasons, which are not now apparent. The United States expects and insists, therefore, that this agreement shall be duly observed, but if experience should have developed objections to the present mode of operation, and Turkey should ask for a commission of revision, setting forth the grounds for such action, this Government would be happy to consider that request in connection with England and other Christian powers concerned.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 633.

Mr. Wallace to Mr. Frelinghuysen.

No. 461.]

LEGATION OF THE UNITED STATES,
Constantinople, January 13, 1885. (Received January 31.)

SIR: I have the honor to inclose for your consideration a copy of a communication received yesterday from the Sublime Porte relative to the affair of Messrs. Knapp and Reynolds.

It follows the proceeding in the case of Dr. Pflaum by saying that irregularities having been committed by the judge of the examining court and the deputy of the imperial prosecuting attorney, they (the judge and the deputy) have been "put under judgment."

In the first place we are not informed of the irregularities discovered. In the next place we are not told what the judgment is under which the two officials have been put. Nevertheless, the President is expected to be satisfied with what is here doled out to us and forego further demands. Such is evidently the purpose of the communication.

Mr. Knapp is now in America; when here he was taken by the interpreter of the legation before the minister of justice, and in answer to a question put by that official said, "They brought four or five men to me, and I was asked if any of them were my assailants; I pointed at one of them and answered, 'Yes, that is the man.'" The individual thus clearly identified was Moussa Bey, who I am informed is to be seen every day going about in perfect freedom.

I respectfully advance the same opinion in this matter as in the case of Dr. Pflaum.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 461.—Translation.]

*Assim Pasha to Mr. Wallace.*SUBLIME PORTE, *January 12, 1885.*

Mr. ENVOY: Referring to the note of my department, under date of the 21st of last April, No. 74294, 17, relative to the act of aggression followed by robbery, of which Messrs. Knapp and Reynolds were the victims, in the vilayet of Bitlis, I have the honor to inform your excellency that the inquest made by the ministry of justice having revealed certain irregularities committed by the examining magistrate and the deputy imperial prosecutor, these two magistrates have been put under judgment.

Concerning the examination and judgment of the affair itself, the judicial authorities will carry them out with the greatest activity, and there is every reason to hope that they will shortly be entirely finished.

In reserving to myself to make known to your excellency the solution obtained as soon as it shall have been communicated to me by the ministry of justice, I seize, &c.,
ASSIM.

No. 634.

Mr. Frelinghuysen to Mr. Wallace.

No. 254.]

DEPARTMENT OF STATE,
Washington, January 22, 1885.

SIR: I herewith transmit a copy of a note from the minister of Turkey at this capital, of November 26, 1884, in regard to the disputed interpretation of the fourth article of the treaty of 1830, between the United

States and Turkey. I have merely said in reply that a copy of this note would be sent to you for your information in the examination of the matter under the instructions which have already been given to you. What the Department desires now is a full report from you upon the subject.

You will observe from a perusal of Tevfik Pasha's note, that the ground is now changed, and that the words "arrested and tried" are the only ones which are regarded as wanting in the Turkish text. These are not in juxtaposition in the English text.

Tevfik's collocation of these words in one phrase is somewhat misleading. The words are in two different clauses:

- (a) They shall not be arrested and put in prison by the local authorities, and
- (b) They shall be tried by their minister or consul and punished.

It is not denied that the prohibition against imprisonment by the local authorities exists, and it is not logical to insist on the omission of "arrest" without which no imprisonment would be possible. And all the versions agree that our citizens are to be punished according to their offense only through the instrumentality of their ministers and consuls. How such instrumentality can award and inflict punishment in accordance with the offense, if the necessary stage of judicial ascertainment is omitted, does not appear.

The citation by Tevfik Pasha establishes the very fact he attempts to refute, that Rhind's negotiations were in French and that the Turkish text submitted to him by the reis effendi was said to be the exact equivalent of the text agreed upon in French. I may here properly advert, then, to our view that the words "following in this respect the usage observed towards other Franks" is merely explanatory of the specific treatment there accorded and defined in the article, and is not to be deemed as the essential clause subjecting the treatment of American citizens to all the changes it might thereafter undergo.

As for the state of jurisdiction in 1830 Tevfik Pasha's statement is restricted, and not borne out by a historical examination of the facts. The distinguished publicist, Pradier-Fodéré, than whom there is no higher authority, in a paper contributed to the *Revue de Droit International et de Législation Comparée* in 1869 (tom. I) sums up the procedure under the capitulations as follows (p. 126):

L'inviolabilité du domicile et dans le cas de flagrant délit, la défense aux autorités locales d'arrêter dans une maison européenne, même un indigène coupable, sans l'assistance d'un officier du consulat ou de l'ambassade; le droit pour les nationaux des pays de l'occident d'être jugés par leurs ambassadeurs ou leurs consuls dans toutes leurs contestations civiles ou criminelles, et l'autorisation pour les autorités ottomanes de prêter main-forte aux agents diplomatiques et aux consuls pour assurer l'exécution des sentences rendues.

Or in English, as follows:

The inviolability of domicile, and in the case of *flagrante delicto*, the local authorities to be forbidden to make an arrest in a European house even of a guilty native, without the help of an officer of the consulate or embassy; the right of citizens of nations of the West *to be judged* by their ambassadors or consuls in their civil or criminal litigations and the authority to be given to Ottoman officials to assist diplomatic agents and consuls in securing the execution of pronounced sentences.

So far as the Turkish position may be inferred from what has been said heretofore, it implies contention for four alternate stages of procedure, viz:

(a) The Turks to *arrest* (which is expressly forbidden by the capitulations).

(b) The minister to *imprison*.

(c) The Turks to *try* the accused in the presence of their minister or consul (but without the latter exercising any of the "instrumentality" which the treaty of 1830 admittedly reserves to them); and

(d) The minister or consul to "*punish*" in accordance with the offense (although all instrumentality in fixing a punishment in accordance with the offense is denied to the minister or consul).

Nothing could better show the incongruity of the Turkish claim than this formulation of their position after some twenty years of discussion.

Under the circumstances, therefore, I can only reiterate the oft-repeated assertion of this Government, that it is still without any intelligible and congruous English or French version which the Sublime Porte admits as correctly interpreting the Turkish text, certainly none can be deduced from Tevfik Pasha's present note.

Your report is awaited before further instructing you in the premises.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 635.

Mr. Wallace to Mr. Frelinghuysen.

No. 466.]

LEGATION OF THE UNITED STATES,
Constantinople, January 24, 1885. (Received February 16.)

SIR: I have the honor to report that I transmitted a note requesting the minister of foreign affairs to inform me if 8 per cent. *ad valorem* was the tariff rate now levied upon goods imported from my country, and whether that was the rate imposed upon imports from other countries.

The inducement to send this note with its inquiries was a suspicion that a misapprehension of the tariff now in enforcement against our goods had grown out of the use in a recent dispatch of his excellency Tevfik Pasha of the words *ad valorem*, without a statement of the rate of duties levied.

Yesterday I called upon the minister of foreign affairs, and had a pleasant conversation with him upon the subject. He said the note had been referred for information, and that as soon as the necessary reports were at hand he would give me an answer. Speaking, then, of the matter generally, he said he understood that America was receiving exactly the same treatment in this respect as the other powers. "In fact," he proceeded to say, "we have no power to do other than treat her commercially as a favored nation."

The signification of the remark you will at once understand. I took it as a broad recognition of our claim under the treaty of 1830, and if the idea is that of the Sublime Porte, we certainly have no cause of complaint on that score.

I asked him how the negotiation of the new tariffs was progressing. He replied substantially, "The tariffs with France, Germany, England, and Russia are nearly completed."

"And what of the treaties?"

"We have not begun with them yet."

"Is it the purpose of the Sublime Porte to make one and the same treaty with all the powers?" I asked him.

"Yes; one unique treaty with them all."

"Then," I said, "the initiative lies upon the Sublime Porte. Have

you a treaty drafted to present to the powers? If so, I would be glad of a copy for immediate transmission to my Government."

His excellency seemed to recognize the justice of the remark about the initiative being upon the Porte, for he answered without demur, "The council of ministers is now engaged upon the draft of a treaty; it is pretty well advanced, and when finished I will be happy to furnish you a copy for your Government."

From the minister of foreign affairs I went to his highness the grand vizier, and led the conversation to the same subject. He said he had seen my note of inquiry, and repeated that it had been referred for report; he also said that it was his information that we were being treated exactly as the other powers; that 8 per cent. was the rate of collection upon our goods. He asked me when our delegate would be sent to arrange a new tariff. I replied that if it appeared officially that we were receiving the same treatment commercially as the other powers, I was quite confident you would direct me to send our delegate at once to enter upon the work. All the authorities of my Government asked was simple equality. He then asked me about the new treaty. I told him I thought if we entered upon the work of arranging a new tariff, at least a revision of the old treaty followed as a matter of course. He hoped America would come in with the other powers, as the aim of the Sublime Porte was to put them all, as far as possible, upon a perfect equality of privilege.

The following points, evoked by the conversation repeated, appear to offer themselves for consideration by the Department:

(1) If duties are now being levied upon our goods by this Government at the rate of 8 per cent. *ad valorem*, which is exactly that provided for by the treaty of 1862, and the same rate is being imposed upon the imports of the other powers, we have no ground of complaint against the Sublime Porte on this account.

(2) Our claim to favored nation treatment being thus practically admitted, is it not good policy on our part to go with the other powers and perfect a new tariff arrangement with Turkey as soon as possible.

(3) Such a tariff arrangement necessarily leads on to at least a revision of the commercial treaty; if so, and the Sublime Porte contemplates a unique treaty with all the powers, our equality being thus conserved, what objection can there be to our entering with the other powers into the new treaty arrangement?

I presume to advance these points now that the Department may be somewhat prepared for prompt decision when the reply to my note shall have been received.

A copy of my note of inquiry is herewith inclosed.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 466.]

Mr. Wallace to Assim Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, January 9, 1885.

EXCELLENCY: To enable me to satisfy my Government and possibly correct its present understanding of the affair, I have the honor to request your excellency to be so good as to inform me if the tariff at present in force against the goods and products of my country imported into the Ottoman Empire is the same as the tariff in force against the goods and products of all the other powers in commercial relations

with the Sublime Porte. Will you have the goodness to inform me, also, if, as I have heard from credible sources, the tariff so in force is but 8 per cent. *ad valorem*?

Should your excellency be able to answer me affirmatively on these points, I do not doubt that my Government will at once direct me to authorize the American consul-general at Constantinople to begin the arrangement of a new tariff in association with the imperial delegates.

I avail, &c.,

LEWIS WALLACE.

No. 636.

Mr. Wallace to Mr. Frelinghuysen.

No. 467.]

LEGATION OF THE UNITED STATES,
Constantinople, January 24, 1885. (Received February 16.)

SIR: I have the honor to inform you that the affair of Euphrates College (American) at Harpoot, Rev. Mr. Barnum, president, appears to be advancing toward a friendly settlement.

Mr. Heap, while in charge of the legation, made a strong representation of the case to the Sublime Porte, and pressed the issuance of a permit for the college. Upon my arrival I followed the matter up, and the result of our joint efforts is a telegram from the minister of public instruction to the authorities of Harpoot, that the formalities required by law must be fulfilled, and a permit given at once.

I have written to Mr. Barnum, informing him of the telegram, and advising him to comply heartily with the law.

The same college authorities appear to have imported a printing press in connection with their institution. By the law they should have obtained a permit to use it before printing anything. Nevertheless, they published some pamphlets or small books without the license, and were fined £50 Turkish. Upon examination of the law I became satisfied that, the facts being admitted by the college people, there was no way to escape the penalty, and I advised its payment. It seemed to me good policy to do so, for as long as the demand was unsatisfied, it was reasonable to expect the application for the permits, one for the college the other for the press, would be refused. Besides that, as a rule of conduct, it appears to me that the legation cannot be expected to interpose in cases where our citizens attempt to carry on business in defiance of the imperial laws.

I have, &c.,

LEWIS WALLACE.

No. 637.

Mr. Frelinghuysen to Mr. Wallace.

No. 257.]

DEPARTMENT OF STATE,
Washington, January 29, 1885.

SIR: I have received your No. 460, of the 8th instant, wherein you report that the Sublime Porte now admits the discovery of certain irregularities in the treatment of the case of Dr. Maurice Pflaum and that the removal of two officials and the reprimand of another have been made in consequence thereof. It would seem fitting, in the Department's judgment, that this admission of irregular treatment of the case

should be followed up by an immediate offer on the part of the Government of the Porte to make due reparation to a wronged American citizen. But if such offer be not made within a reasonable time, you are instructed to renew your demand for the payment of a suitable money indemnity. If this step becomes necessary, you will press it with all consistent force and effectiveness.

In this connection I herewith transmit a copy of a letter from Mr. Magnus Pflaum, of Pittsburgh, dated the 8th instant, in regard to his brother's case. I have given to Mr. Bayne, of the House of Representatives, who referred the letter hither, the present status of Dr. Pflaum's case.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 257.]

Mr. Pflaum to Mr. Bayne.

PITTSBURGH, PA., January 8, 1885.

DEAR SIR: I dislike to impose upon your good nature as well as your time, yet once in awhile I really cannot help myself. My present request is one of an unusual nature, in which I am compelled to urge your assistance.

My brother, Dr. Maurice Pflaum, from whom we have heard but little, got himself in trouble with some Turkish official somewhere near Smyrna, Asia Minor, was imprisoned, and grossly maltreated, for which a claim was filed at Constantinople by General Lew. Wallace, our ambassador to the Porte.

From what I can learn, this matter is now pending nearly a year, and must be on file in the State Department at Washington; our consul at Smyrna informed me that my brother suffered both mentally and physically through the barbarous treatment, and is but a wreck of his former self.

I also heard that his practice is destroyed and that he is really in needy circumstances.

He being an American citizen our Government should certainly take some active and speedy steps towards obtaining justice for him.

Can you oblige me by doing something to have this matter attended to? At all events, let me know the status of the case.

An early answer will place me under special obligations to you.

Yours, &c.,

MAGNUS PFLAUM.

No. 638.

Mr. Wallace to Mr. Frelinghuysen.

No. 468.]

LEGATION OF THE UNITED STATES,
Constantinople, January 30, 1885. (Received February 16.)

SIR: I have the honor to acknowledge receipt of your dispatch No. 251, touching the sale of books printed at the American Bible House, &c., and beg to say in this connection that previous to the receipt of the dispatch I had been endeavoring to arrange the matter.

The course pursued was to sound the minister of public instruction privately, through Mr. Gargiulo, and ascertain his views and disposition. Much to my astonishment, he informed the dragoman that he had never sent an order of the kind claimed to have been received from his department by the censor at Erzeroom. You will find the claim of the censor fully described in the inclosure herewith transmitted. This negation of his excellency the minister was confirmed by his secretary.

Thus enlightened, I called upon the minister in person, and at his suggestion agreed to send him an unofficial note explanatory of the several points requiring settlement between the legation and his department. Conformably to the understanding I drafted a communication covering the points, and will send it to him to-day.

I think the probability of effecting an arrangement in the manner disclosed will justify me in withholding a formal note to the Sublime Porte through the minister of foreign affairs in accordance with the views and instructions contained in your dispatch No. 251. In case I fail in the negotiation with the minister of public instruction, my next step will be to carry the matter to the Sublime Porte; then I will base my demand upon the ground you point out, viz, of an international arrangement.

Hoping my course will meet your approval,

I am, &c.,

LEWIS WALLACE.

[Inclosure in No. 468.]

Mr. Wallace to Moustapha Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, January 27, 1885.

MY DEAR EXCELLENCY: Referring to the conversation I had with your excellency the day of my recent call, I beg to ask your attention in an unofficial way to the following circumstances:

From reports received at this legation, which I consider reliable, Dervich Effendi, the censor at Erzeroom, speaking to the Protestant head of the community there, read an order, which he said had been received from Constantinople, to the effect that the books of the American Bible House in the latter city could only be sold in cities and towns in shops rented for the purpose. The effendi gave warning at the same time that any one found transgressing the order would be imprisoned. Subsequently the same effendi repeated the communication to the Protestant Askabad, and added that the order from Constantinople was stricter than ever before, and that the books of the said American house must pass censorship there (at Erzeroom) and be stamped there.

Permit me to remark that I think Dervich Effendi is mistaken about the purport of the order, for when I recall the repeated instances of your liberality in the matter of the books of the American Bible House, it is incredible that such a rule should have been issued by your excellency's direction or with your excellency's knowledge.

The argument in the matter is very simple. The books in question are but the stock in trade of the house, exactly as dry goods and hardware are stock in trade.

The right to sell them is a treaty right, and the mode of selling them is fairly in the discretion of the dealers, who are at liberty to rent shops and sell them over the counters or to hawk them about in the streets and highways, or both. If the books were dangerous property, like gunpowder or petroleum, the case would be different; the Government would then be at liberty to subject them to proper regulations devised for the safety of the public. I cannot permit myself to think for a moment that your excellency would take a step, the effect of which must be to place the Scriptures and Holy Bible, so sacred in the estimation of so many of His Imperial Majesty's Christian subjects, in the category of dangerous property. Such action would shock the whole Christian world.

As to the secondary censorship, claimed by the effendi for Erzeroom, of books which have been examined and formally permitted by the board of censors of your excellency's department, it would appear to be an inconsistency, and, if carried out, must inevitably lead to censorial conflicts, and reclamations against the Imperial Government for damages.

I beg your excellency to suffer me to lay another matter pertinent to the subject before you. I am informed that an order has gone forth from the board of censors connected with the department of public instruction that for the future no permits for the sale of books by the American Bible House will be granted except the words "for Protestants only" be put upon the title-page.

If such an order has been issued, your excellency will not fail to see that the condition is outside of the arrangement effected last year between the delegates representing, one the department of public instruction, another the Bible House, and a third this legation, the object being to put an end to the constantly recurring diffi-

culties in connection with the business of the said Bible House. Moreover, the restriction would be invidious, exceedingly hurtful to the business of the house, and untenable in any view the subject will admit of.

So confident am I that your excellency will look at these matters as I do, that I venture the straightforward requests that the censor at Erzeroom may be corrected in his construction of the order sent him, and the Bible House be returned to its privileges of sale under the arrangement mentioned; also, that the words "for Protestants only" may not be required to be put upon the title-page of books of the said house.

I am, &c.,

LEWIS WALLACE.

No. 639.

Mr. Frelinghuysen to Mr. Wallace.

No. 260.]

DEPARTMENT OF STATE,
Washington, February 4, 1885.

SIR: I have received your No. 461, of the 13th ultimo, inclosing a copy of a note from the minister for foreign affairs admitting the discovery of unnamed irregularities in the case of Messrs. Knapp and Reynolds, and saying that certain officials have been "put under judgment" on that account.

This step is viewed with satisfaction as evidence of a desire on the part of the Turkish Government to recede from the deadlock into which the matter has fallen through the action of the Turkish authorities, and of a purpose to act in accordance with international comity and right counsel. It remains to be seen, however, whether substantial justice for these injured men can be reached, and certainly no less will satisfy us.

Under all the circumstances of this case the Government of the United States rightly expects that the Government of Turkey will make early and due reparation to Messrs. Knapp and Reynolds for the outrages perpetrated by Moussa Bey, whose identity is beyond question.

You will, however, be governed in presenting the matter to the Turkish Government by the terms of my instruction to you of the 29th ultimo, No. 257, relative to the case of Dr. Pfäum.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 640.

Mr. Wallace to Mr. Frelinghuysen.

No. 471.]

LEGATION OF THE UNITED STATES,
Constantinople, February 6, 1885. (Received February 23.)

SIR: It appears from the inclosures herewith forwarded that the governor of Syria has closed a couple of schools, which, for a long time past, have been conducted under the supervision of American Presbyterian missionaries in that province.

You will observe that there are three questions raised by the proceeding, one touching the schools, another relative to shutting up of a place of worship, and a third one respecting the seizure of property alleged to belong to Dr. Eddy, an American citizen, resident in Beirut. Each of these points, it seems to me, requires separate consideration, and, possibly, separate action. Common prudence demanded that I should

have the fullest information as to the facts. Applying myself to the reports which have reached the legation through the consulate-general, the meagerness of recital by Consul Robeson became apparent. These recitals you will find in inclosures numbered 1 and 2.

To obtain something more satisfactory, I addressed a note to Consul-General Heap, a copy of which is forwarded as inclosure No. 3. The bearing of the several points of inquiry to be sent to Consul Robeson by Mr. Heap will be at once manifest to you.

With a view to obtaining, if possible, the Turkish version of the affair, I sent a verbal request to the minister of public instruction to be good enough to telegraph the governor and ask him why he had closed the schools. Answer was returned that the step had been taken under the general departmental order requiring permits. If this should be confirmed, as I do not doubt it will, by Consul Robeson, we shall know that the managers of the schools, whoever they are, were in the wrong at the outset. In saying this I take it for granted that you do not desire me to take a position maintaining as a right anything in the nature of business which is clearly violative of the laws of the Empire.

In the next place, it may turn out that the place of worship, the school, and the residence at Ain Kunyet Baniyas were all under one roof and occupied by natives of the country; and, should it so appear, then, keeping the affair divided into the three branches, I think you will further agree with me that the legation will have no justifiable demand upon the Sublime Porte, as respects the school and the place of worship, for the reason that our Government has never assumed a protectorate over institutions purely native.

Protection of Protestant Christian subjects of the Ottoman Empire has heretofore been assumed by the English, and their authority for such protection is referable to the treaty of Berlin, just as protection of Catholic and Greek Christians in the Empire appears to have been allotted to France and Russia, respectively.

Then, with respect to the house as the property of Dr. Eddy, if it should turn out that it was occupied by a native (or natives) of the country, in fact a subject of His Imperial Majesty, the redress must be sought by and in the name of the occupant, who, in my opinion, must address himself to the imperial tribunals. In short, I can see but one phase of the affair in which the legation can rightfully interfere by direct demand upon the Sublime Porte, and that is in the eventuality that there is no tribunal of the country invested with jurisdiction to restore the property to Dr. Eddy upon presentment of his complaint. In the absence of such tribunal, the seizure becomes a confiscation by the Government, and the departmental order reaching no farther than simple closure of the schools, stretching it to confiscation of the property is illegal, and therefore a proper subject of demand for restitution by the legation.

Entertaining these views of the case, as it is likely to be presented when all the facts are in, I have thought best to ask you for further information, and to submit my opinion to your judgment in anticipation of the full statement by Consul Robeson.

Upon receipt of the dispatch from Consul-General Heap, a copy of which is herewith inclosed, marked No. 5, I sent an unofficial note to the minister of public instruction with requests which, if acceded to by him, will have the effect to settle the whole business in the simplest and most expeditious manner.

A copy of the note last mentioned is transmitted as inclosure No. 4.

I am, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 471.—Extract.]

*Mr. Robeson to Mr. Heap.*UNITED STATES CONSULATE,
Beirut, January 14, 1885.

SIR: I beg to inform you that the Turkish authorities in Syria, have recently closed two American missionary schools, one at Ain Kunyet Baniyas, the other at Mejdél Shems; also the place of worship in the same buildings. The school at Ain Kunyet Baniyas has been in existence for twenty years, the other at Mejdél Shems for fifteen years. The schools have been closed against the petition of the people and the protest of the missionaries. Further, the Turkish authorities have seized and sealed up the buildings, placing the governor's seal on private property belonging to Dr. Eddy, American citizen, missionary residing at Beirut.

I have the honor to inclose copy of letter addressed by me to the vali of Syria on the subject.

* * * * *

I am, &c.,

JOHN T. ROBESON.

[Inclosure 2 in No. 471.]

*Mr. Robeson to Almed Hamdi Pasha, Governor-General of Syria.*UNITED STATES CONSULATE,
Beirut, January 9, 1885.

HIGHNESS: It is with deep regret that I learn that the Turkish authorities at Ain Kunyet Baniyas and Mejdél Shems have closed the Protestant schools at those places against the prayers and petitions of the Turkish Protestant community there, and the protest of the American missionaries, under whose supervision the said schools are carried on. These schools, as your highness is doubtless aware, have been in existence, the one at Ain Kunyet Baniyas, for twenty years, the other, at Mejdél Shems, for fifteen years; during this time no complaint of any kind has been made against any one connected with the schools referred to. Your subordinates have not only closed the schools against the petition and wish of the Christian community, but also have closed their place of worship in the same building, thereby denying them the right of worshipping God according to the dictates of their own conscience. I respectfully beg to express the hope that your highness will be kind enough, in the interest of education and free worship, to allow the said schools to be reopened until such times as the proper permit be granted by the Turkish authorities in Syria, and that the Christian community be permitted to worship hereafter without molestation.

Further, I am compelled to call your highness's attention to the illegal act of the Turkish authorities at Ain Kunyet Baniyas, who have seized and sealed up the doors of a building, the property of Dr. Eddy, an American citizen, thereby denying the owner the right to enter, use, or control in any way his property. Seizing and placing the governor's seal on private property, without due process of law, amounts to confiscation. Therefore, I respectfully but earnestly demand, in the name of my Government, that your highness will cause the seals to be removed from the doors of the building and the same delivered up to the owner or his agent.

I respectfully beg your highness to let me have an answer to this note at your earliest convenience.

Accept, &c.,

JOHN T. ROBESON.

[Inclosure 3 in No. 471.]

*Mr. Wallace to Mr. Heap.*LEGATION OF THE UNITED STATES,
Constantinople, January 27, 1885.

SIR: In the matter of the closing of the schools at Ain Kunyet Baniyas and Mejdél Shems, about which you wrote me under date of the 23d instant, the minister of public instruction, at my request, has telegraphed the proper authorities to inform him immediately why the action was taken.

I made this request notwithstanding it appears from the note with demands, addressed by Consul Robeson to the governor-general of Syria, that the schools in question were not American schools in the proper sense of the term, but native schools

carried on under the supervision of the American missionaries. The difference will be obvious to you. Now, while his excellency the minister is telegraphing, I suggest that you write Consul Robeson, and get from Rev. Mr. Eddy what he has to say on the point.

As to the seizure and sealing up of Mr. Eddy's house by the Turkish authorities at Ain Kunyet Baniyas, the course to be taken depends upon whether Dr. Eddy at the time inhabited the house as his residence. If he did, the action of the authorities was illegal under the protocol concerning real estate held by Americans in Turkey, and the legation has clearly the right to interfere; otherwise Dr. Eddy must have recourse to the proper Turkish tribunal to recover his property.

I will be greatly obliged to you, consequently, if on this point you will ascertain through Consul Robeson (1) if the house seized was at the time Dr. Eddy's residence; (2) if it is nine or more than nine hours' travel from the residence of a United States consul or consular agent; (3) if the place of worship, the school, and residence were under the same roof; and (4) if the house of worship was used as such by Turkish subjects, or by a congregation of American citizens.

I am, &c.,

LEWIS WALLACE.

Inclosure 4 in No. 471.]

Mr. Wallace to Moustapha Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, February 1, 1885.

MY DEAR EXCELLENCY: I beg to inform you of the closing of a Protestant school at Ain Kunyet Baniyas and a like school at Mejdél Shems, in the province of Syria, both of them being under the supervision of American missionaries. In taking this step I suppose his excellency the governor-general proceeded under your excellency's order directed against schools carried on without permits. Without wishing to raise any question as to the legality of the steps taken by the governor in the cases, I wish merely to express the opinion, based on information come to me, that the failure to apply for the permits is really traceable to want of precise knowledge of the law, in the first instance, and of your excellency's order for its enforcement in the second place. The school at Ain Kunyet Baniyas has been in existence for twenty years, the one at Mejdél Shems for fifteen years.

Under the circumstances I suggest, and request in the interest of education generally, that you give the supervising authorities an opportunity to apply for, and obtain the permits, and that for this purpose you direct his excellency the governor to recall his orders in the affairs for the present.

It is to be further remarked that in closing the schools a house in Ain Kunyet Baniyas belonging to Dr. Eddy, an American citizen of Beirut, was taken possession of and sealed up, and is now standing in that condition. A place of worship in one of the school-houses was also shut against the Protestant community. I cannot see that any harm would be done if these affairs were restored to the *statu quo ante* at the same time with the schools, and I accordingly make request to that effect.

I am, &c.,

LEWIS WALLACE.

[Inclosure 5 in No. 471.]

Mr. Heap to Mr. Wallace.

UNITED STATES CONSULATE-GENERAL,
Constantinople, January 23, 1885.

SIR: I have the honor to transmit copy of a dispatch I received to-day, from the United States consul at Beirut relative to the closing of the American missionary schools, and the place of worship in the same building, by order of the governor-general of Syria. Also the seizure and sealing up of the buildings, and placing of the governor's seal on the private property of Dr. Eddy at Ain Kunyet Baniyas, an American citizen and missionary residing at Beirut.

These schools have been in existence for fifteen years and twenty years respectively, but I infer from Mr. Robeson's letter to the vali of Syria, a copy of which is inclosed in his dispatch, that no permit had been obtained for them. They therefore seem to be in the same position as the Euphrates College at Harpoot, to which a permit has recently been ordered to be given by the minister of public instruction.

Mr. Robeson does not state whether a permit had been asked for by the directors

of these schools or whether notice had been given, as in the case of the college at Harpoot, that unless the law was complied with and a permit obtained the schools would be closed. There seems to be a determination on the part of the imperial authorities to carry out very strictly the orders from the Porte to close all schools that have not complied with law regulating educational establishments throughout the Empire.

I would respectfully suggest that the minister of public instruction be requested to instruct the authorities of Syria to remove the injunctions they have placed on the schools until time has been given to comply with the law and application for permits made.

Had these schools been recently opened, there would be some justification for so rigorous an application of the law, but their directors might reasonably have supposed that having been in existence without complaint or remonstrance for so long a period before the promulgation of the law, they were exempt from its application. It does not appear from Mr. Robeson's dispatch and its inclosure, that a strict application of the law was called for in this case, and there is reason to expect that when it is fairly presented to the minister of public instruction, a liberal interpretation will be given to it, and orders be sent to allow the schools to be reopened and the missionaries permitted to comply with the regulations.

As regards the second case presented by Mr. Robeson, which you will find explained in his dispatch and its inclosure No. 2, I would submit that it does not appear to call for the intervention of the United States consulate at Beirut.

The closing and sealing of Dr. Eddy's house seems to demand an immediate explanation on the part of the authorities, and, unless the act can be justified, reparation of an exemplary character.

I am, &c.,

G. H. HEAP.

No. 641.

Mr. Wallace to Mr. Frelinghuysen.

No. 475.]

LEGATION OF THE UNITED STATES,
Constantinople, February 12, 1885. (Received March 6.)

SIR: In the matter of the circulation and sale of the books of the American Bible Society, and the closing of the schools at Ain Kunyet Baniyas and Mejdal Shems, which formed the subject of my dispatch to the Department, No. 471, I have the honor to inclose a report of the dragoman of the legation, dated the 10th instant, which will show that my private and unofficial resort to the minister of public instruction is working very well.

I also inclose a copy of a letter to be sent by next mail to Rev. Dr. Eddy at Beirut, which distinctly informs that gentleman and his associates of the action proposed to be taken by the minister of public instruction, and that the opening of the schools depends upon their applying for the permits required by the law. My present understanding is that the reopening of the place of worship and the return of Dr. Eddy's property go with the reopening of the schools. Should this not be the case, it would appear that the failure in those cases will readily yield to a formal demand.

I have, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 475.]

Mr. Gargiulo to Mr. Wallace.

LEGATION OF THE UNITED STATES,
Constantinople, February 10, 1885.

SIR: I have the honor to state that I had an interview with the minister of public instruction with regard to the matter of the schools in Syria and books of the Bible Society in general. The minister said that a letter would be forwarded to the gover-

nor-general of Syria instructing him to give permits to the schools as requested in your last communication, if the supervisors of the schools made application therefor in accordance with the law.

As to the question of the books, he referred me to the president of the board of education, who assured me that he will report favorably for the restoration of everything to its former condition; that is, the arrangement perfected by the commission instituted some two years ago about the circulation of books must stand good; and with regard to the inscription on the title-page of the books, the statement lately adopted that the sentence that is published, at the expense of the American and English Bible Society, should be sufficient. He assured me that such a report would be made and delivered to the minister of public instruction, upon whose decision the question rests.

I am, &c.,

A. A. GARGIULO.

[Inclosure 2 in No. 475.]

Mr. Wallace to Rev. Dr. Eddy.

LEGATION OF THE UNITED STATES,
Constantinople, February 10, 1885.

DEAR SIR: In the matter of the closing of the schools at Ain Kunyet Baniyas and Mejdal Shems, in Syria, it may be of interest to you to know that I have succeeded in getting the minister of public instruction to send an order to the governor-general to issue the permits required by law for the schools upon application made to him therefor. I took this step without knowledge if you desired to make such application or what your views upon the subject are. My idea was to have the schools opened in the quickest possible time, and to return you possession of the house now sealed up at Ain Kunyet Baniyas without your resorting to law.

To have carried the business to the Sublime Porte in the way of formal demand, making a diplomatic question of it, would have been to leave the schools, the place of worship, and the house closed for an indefinite period. It is, therefore, for you and your associates to decide now whether you will apply for the permits or not. I do not assume to advise you in the matter. My opinion is, however, that as a rule it is better to conform to the law of the country in which we find ourselves.

I should be glad to hear from you directly upon the subject.

I am, &c.,

LEWIS WALLACE.

No. 642.

Mr. Wallace to Mr. Frelinghuysen.

No. 476.]

LEGATION OF THE UNITED STATES,
Constantinople, February 23, 1885. (Received March 9.)

SIR: I have the honor to inclose herewith a copy and translation of the reply of the minister of foreign affairs to my request to be informed of the rate of charges imposed by his Government upon goods and products of the United States imported into Turkey.

It will be seen that the rate is thus officially given at 8 per cent. *ad valorem*. Also, that it is the same as the charge upon the merchandise of all other countries except Austria. The reason of the exception lies in the fact that the Austrian commercial treaty is now the only one with an undisputed future expiration. Finding that in a number of items his people were paying duties in excess of the 8 per cent. the ambassador of that power asked the rate to be applied to them in common. The Sublime Porte declined to accede.

You will observe the solicitude the worthy minister expresses touching the speedy co-operation of our delegate in the work of revision of the tariff and the preparation of a new treaty of commerce.

The matters are respectfully submitted for your consideration and instruction.

The schedules of several of the powers have been completed, notably that of the English, and as it is reasonable to suppose the impositions upon the products of these latter have been carried to the greatest possible point of reduction, the labor of our delegate, should he be put to work, will be greatly simplified by reference to them. If it were not for the contention about the treaty, I should not hesitate to direct the negotiation to be immediately begun. Such a course would be amply covered by instructions heretofore received. As it is, however, I think best to await your further pleasure in the affair. Revision of the tariff would seem to carry with it necessarily a revision of the treaty, in part at least.

Waiting your judgment and direction,
I have, &c.,

LEWIS WALLACE.

[Inclosure in No. 476.—Translation.]

Assim Pasha to Mr. Wallace.

SUBLIME PORTE, *February 23, 1885.*

MR. ENVOY: In answer to the note your excellency was good enough to address me the 19th of last January, No. 237, I have the honor to inform you, upon information I have had given me by the general administration of indirect contributions, that the products and merchandise of all countries, with the one exception of Austria, are now subject in Turkey to the regime of 8 per cent., to be collected on the estimated value of the different articles, and that the commerce of the United States is actually under the same regime.

In informing your excellency of what precedes, I have no doubt that in conformity with the promise contained in your above-mentioned note, you will kindly use your good offices to have Mr. Heap authorized to communicate without delay with the delegates of the Imperial Government to finish the new tariff and the new treaty.

Accept, &c.,

ASSIM.

No. 643.

Mr. Wallace to Mr. Frelinghuysen.

No. 477.]

LEGATION OF THE UNITED STATES,
Constantinople, February 24, 1885. (Received March 9.)

SIR: I have the honor to report that the affair of the American College at Harpoot hastens to a satisfactory settlement. A note from Mr. Barnum, of that institution, informs me that the application for official recognition of the schools has been sent to this city, presumably for ministerial approval.

I am, &c.,

LEWIS WALLACE.

No. 644.

Mr. Frelinghuysen to Mr. Wallace.

No. 265.]

DEPARTMENT OF STATE,
Washington, February 25, 1885.

SIR: I have received your No. 467 of the 24th ultimo, saying that the affair of the "Euphrates College" at Harpoot was advancing toward a friendly settlement; also one from Mr. Heap, under his consular series No. 379, of the 22d ultimo, reporting that the minister of public instruction had ordered the authorities at Harpoot to give the necessary permit to that college. The Department has been much gratified at this apparently amicable adjustment of all differences, and it approves your course in recommending the college authorities to pay the fine of which you speak.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 645.

Mr. Frelinghuysen to Mr. Wallace.

No. 268.]

DEPARTMENT OF STATE,
Washington, February 27, 1885.

SIR: I have to acknowledge the receipt of your No. 466, of the 24th ultimo, reporting conversations with the minister of foreign affairs and the grand vizier respecting the proposed new treaty of commerce between Turkey and the United States.

This Government is as much interested as Turkey in removing all causes of misapprehension, and if it will benefit our pending reclamations you may assure the Porte of the good disposition of this Government.

Further report will, however, be awaited before definitely instructing you to make a new tariff and treaty.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 646.

Mr. Wallace to Mr. Frelinghuysen.

No. 479.]

LEGATION OF THE UNITED STATES,
Constantinople, February 28, 1885. (Received March 17.)

SIR: I have the honor to transmit to the Department a copy of a note which will be sent to the Sublime Porte to-day.

The subject is the affair of Dr. Pflaum. Your instructions seemed to contemplate the allowance of a reasonable time for the Turkish authorities to offer compensation to the injured party for the wrongs done him. In my judgment, the time elapsed since the receipt of the communication of the minister of foreign affairs containing his admission in the case has been amply sufficient for the purpose.

I am, &c.,

LEWIS WALLACE.

[Inclosure in No. 479.]

*Mr. Wallace to Assim Pasha.*LEGATION OF THE UNITED STATES,
Constantinople, February 27, 1885.

EXCELLENCY: I have the honor to acknowledge receipt of your note No. 77172, 1, and dated the 7th of last January, in which you were pleased to acknowledge the discovery of irregularities in the treatment of Dr. Pflaum, an American citizen, whose case has been already a subject of correspondence between your excellency's ministry and this legation. You were also good enough to inform me in the same communication that two officials concerned in that affair had been removed and another one reprimanded.

In the judgment of the Department of State, to which I transmitted your note, it would seem fitting that the admission of the said discovery of irregularities in the treatment of Dr. Pflaum, should be followed up by an immediate offer on the part of the Sublime Porte to make due reparation for the wrongs inflicted upon him. No such offer having been made, however, I am under the necessity, following my instructions, to renew the demand heretofore made for indemnity in behalf of the unfortunate citizen mentioned. You will greatly oblige me by answering this communication at your earliest convenience.

I seize, &c.,

LEWIS WALLACE.

No. 647.

Mr. Wallace to Mr. Frelinghuysen.

No. 480.]

LEGATION OF THE UNITED STATES,
Constantinople, February 28, 1885. (Received March 17.)

SIR: Referring to your dispatch No. 260, relative to the affair of Messrs. Knapp and Reynolds, I have the honor to inclose herewith a copy of a note in their case which will be sent to-day to the minister of foreign affairs. The communication, I beg to say, is in accordance with your instructions in the matter of Dr. Pflaum (see Department dispatch No. 257), and I hope it will meet your approval.

I am, &c.,

LEWIS WALLACE.

[Inclosure in No. 480.]

*Mr. Wallace to Assim Pasha.*LEGATION OF THE UNITED STATES,
Constantinople, February 27, 1885.

EXCELLENCY: Immediately upon receipt of the note, No. 77230, 2, dated the 12th of last January, which you did me the honor to address to me relative to the outrage perpetrated by the Kurd, Moussa Bey, upon the American citizens, Messrs. Knapp and Reynolds, concerning which there had been much correspondence between your ministry and this legation, I referred it to the Department of State of my Government.

The admission in the said communication of the discovery of irregularities in the affair of those gentlemen serious enough to justify the Sublime Porte in putting certain officials connected with them under judgment, was viewed by the chief of the Department as satisfactory evidence of a desire and purpose on the part of the Imperial Government to act in the matter in accordance with international comity and right counsel. The further view of my Government is that the judgment under which the delinquent officials have been put, whatever it may have been, is not a sufficient satisfaction for the extreme personal injuries inflicted upon Messrs. Knapp and Reynolds.

Lest the Sublime Porte may conclude otherwise, I have the honor to renew the demand for a money indemnity heretofore made in their behalf, and to request you to be good enough to give me an answer at your earliest convenience.

I avail, &c.,

LEWIS WALLACE.

No. 648.

Mr. Bayard to Mr. Wallace.

No. 274.]

DEPARTMENT OF STATE,
Washington, March 13, 1885.

SIR: I have to acknowledge the receipt of Mr. Heap's No. 451, of November 1, 1884. It relates to the claim of Serkis Kurkdjian, an Ottoman subject, against the Rev. George C. Knapp, an American citizen, for the recovery of a dwelling-house in Bitlis, Armenia, which the latter purchased at a Government sale from an insolvent debtor's estate. Mr. Heap's dispatch presents the case fully, showing the measures taken by Mr. Knapp to retain possession of his property, the efforts of the Ottoman subject to despoil him of his rights, and the assistance rendered by your legation in behalf of the purchaser. For convenience I shall briefly recapitulate the main features of the complaint before proceeding to give the Department's conclusions respecting it.

In 1859 Mr. Knapp bought the property, which was offered for sale by the Government authorities at Bitlis. As at that time foreigners were forbidden to hold real estate in Turkey, he complied with all the requirements of the law and obtained a full and complete title in the name of an Ottoman subject, father of the present complainant and former owner of the premises. In 1877 a law was enacted allowing foreigners to possess real estate. Thereupon Mr. Knapp had the title-deeds made out in his own name and delivered to him. In 1866, however, Serkis Kurkdjian sought to divest Mr. Knapp of his rights and instituted proceedings to recover possession of the property. The case was successively called up in three different courts. In each the decision was adverse to the Ottoman subject and confirmed Mr. Knapp's title. The last contest was in the ecclesiastical court, the highest tribunal in matters of real estate in Turkey, and from whose decision there is no appeal. Notwithstanding all this, the complainant, about two years ago, succeeded in obtaining from the president of the court of first instance at Bitlis a decision declaring the sale illegal, and sentencing Mr. Knapp to restore the property and pay to Serkis Kurkdjian a considerable sum for rent, damages, and interest.

It appears that Mr. Heap's efforts with the Sublime Porte in behalf of Mr. Knapp were without avail, for in a note to your legation of November 18, 1884, the minister for foreign affairs confirms the order of the president of the court at Bitlis and requests Mr. Heap to have its order obeyed. Mr. Heap in his note to that ministry, in reply of November 20, 1884, protests against this action and submits the matter for the Department's consideration. I have accordingly given Mr. Heap's dispatch careful attention. Mr. Knapp should continue the contest in the Turkish courts to maintain his right to the property; otherwise he will be compelled, under the decision of the court at Bitlis and the order of the minister of foreign affairs, to evacuate the premises and deliver them up. Still if he thinks best to do this, Mr. Knapp has his remedy against the Government of Turkey for the amount of the purchase money and for any expenses he may have necessarily incurred in defending his rights.

The court holds that the sale, in 1859, to Mr. Knapp by the authorities of Bitlis was illegal, and the minister for foreign affairs confirms this view by his note of November 18, above mentioned. If the Ottoman Government is willing to abide by such a decision it is not seen why Mr. Knapp should complain, inasmuch as that Government is thereby com-

pelled of necessity to make his advances and necessary expenses under the sale, good. That Government, too, in supporting the decision of the court at Bitlis virtually admits its liability to Mr. Knapp, and is consequently estopped from setting up any defense as against his just demands unless there shall be found some condition in the sale of the property which shall relieve it of such responsibility. Under these circumstances Mr. Knapp should vacate the premises as desired by the minister for foreign affairs and immediately present his claim to the Government of Turkey for the purchase-money delivered to that Government, and also for any sums necessarily expended in the prosecution of his rights. If the property shall have advanced in value he is clearly entitled to the difference, whatever it may be. As he has had the use of the property he has no just claim on account of the ordinary repairs placed upon it; neither has he a claim for interest on the investment. But he is unquestionably entitled to reimbursement by the Government of Turkey for all amounts he may have expended in the defense of his acquired title, in addition to his purchase-money. You will accordingly be governed by this instruction in further treating the matter.

I am, &c.,

T. F. BAYARD.

No. 649.

Mr. Bayard to Mr. Wallace.

No. 280.]

DEPARTMENT OF STATE,
Washington, March 25, 1885.

SIR: With reference to your Nos. 479 and 480, inclosing copies of notes which you have addressed to the Sublime Porte in the cases respectively of Dr. Maurice Pflaum and Messrs. Knapp and Reynolds, I have to say that it is hoped that the Turkish Government will perceive the justice of tendering adequate reparation for the actual injuries and losses sustained by these gentlemen.

The language of which you make use in your notes referred to appears to be peremptory, and if it includes a demand for exemplary or consequential damages, the Department will reserve its opinion thereon until the detailed examination which is necessary can be given to all the pending matters between the two Governments with a view to disposing of them collectively in the interest of harmonious relations.

I am, &c.,

T. F. BAYARD.

No. 650.

Mr. Wallace to Mr. Bayard.

No. 487.]

LEGATION OF THE UNITED STATES,
Constantinople, April 3, 1885. (Received April 20.)

SIR: Continuing the affair of the American College, reported in my dispatch to the Department, No., 477, I have the honor to add that the minister of public instruction is now pleased to say that on the 6th February last he forwarded a telegram to the vali of Mamouret-ul Aziz (Harpoot) instructing him to deliver a permit for the school (college) on

request and under the conditions prescribed by the regulation on the subject. If the permit has not ere this been issued, I suspect it is because of the non-payment of a fine imposed upon some of the college attachés for the use of a printing press without a permit therefor first obtained.

My views of the action proper in both the cases are disclosed in a letter to Rev. Mr. Barnum, of which a copy is herewith transmitted.

I am, &c.,

LEWIS WALLACE.

[Inclosure in No. 487.]

Mr. Wallace to Mr. Barnum.

LEGATION OF THE UNITED STATES,
Constantinople, March 28, 1885.

MY DEAR SIR: I sent the dragoman of the legation to inquire about the latest action of the Porte touching your college, and he reports that the minister of public instruction, on the 6th day of February last (24th January, 1300), certainly sent a telegram directing your vali to deliver a permit to your authorities on their request, and under the conditions prescribed by the law. This ought to be the end of the trouble. There is a possibility that the vali may stop the issuance of the paper until the fine about the press is paid. My last conversation on that subject with Mr. Peet resulted in his saying that the £50 would be paid by your folks in Harpoot. I suggest that you do this immediately, if it has not been already done.

With many good wishes, I am, &c.,

LEWIS WALLACE.

No. 651.

Mr. Wallace to Mr. Bayard.

No. 490.]

LEGATION OF THE UNITED STATES,
Constantinople, April 6, 1885. (Received April 23.)

SIR: Referring to the instructions in your dispatch No. 274 touching the real property of Rev. Mr. Knapp in Bitlis, your observations affirmative of the liability of the Turkish Government to make compensation in the event of the disseizin of that gentleman have been particularly noted. In confidence that the principle would be recognized by the Department, I beg to add that I had already ventured to act upon it.

Upon learning some months ago that the adverse claimant had obtained a judgment against Mr. Knapp before the inferior tribunal, and that he was moving for an execution, I sent the dragoman of the legation to his excellency the minister of justice to represent that the previous judgments of Mr. Knapp in the higher court could not be invalidated in the manner proposed; that a seizure of the property by the Imperial authorities and ouster of the occupant would be practically a confiscation; that it would be my duty then to make immediate demand of the Government for the purchase money paid, with interest for the value of improvements made, and for the expenses necessarily incurred in defending the title.

The minister, appreciating the protest, sent me assurance that he would cause what he called an "opposition proceeding" to be instituted to prevent the issuance of an execution and for the voidance of the inferior judgment. I was satisfied with the assurance.

Some weeks ago, however, information was brought me that the

claimant had obtained an order for the execution out of the ministry of justice here, and had gone to Bitlis to push his rights. Investigation of the matter disclosed that the minister of justice had acted in good faith; that at his instance the minister of finance had sent an order to the governor at Bitlis to commence the opposition proceeding in behalf of the Government; that unfortunately the minister of justice, Hassan Fehmi Pasha, had been sent by the Sultan on a special mission to London, leaving his department in control temporarily of another official; that this latter, in ignorance of the action taken, had actually ordered an execution to be issued. This intelligence was immediately followed by news from Bitlis that the claimant had appeared before the house in dispute with a hundred men to have delivery of the possession.

I made haste to call upon the minister of foreign affairs and inform him of the action of his colleagues, the ministers of justice and finance. He suggested that the subject-matter of the suit being real property, the legation could not rightfully interfere in the business. The position had reference to the protocol and law conceding to foreigners the right of holding real estate in the Ottoman Empire, signed by President Grant in 1874. I replied to the suggestion by convincing the minister that I was not interfering; that the interference, if such it could be called, was, in fact, by high officials representing the Imperial Government, the object being to save the latter from the payment of money in satisfaction of a demand in favor of Mr. Knapp, which could not be denied; that the order for the commencement of the opposition proceeding in the name of the Government was an admission of the demand, &c.

The minister of foreign affairs, thus informed, at once recognized the propriety of my representations, and promptly set about the correction of the mistake. In course of the conversation he broadly assented to the principle of liability on the part of the Government in the eventuality of Mr. Knapp's ouster.

I have the satisfaction now, as the latest intelligence received from Bitlis, to inform you that an official, Rachid Effendi, has been appointed by the local government at Bitlis to institute the opposition proceeding referred to, and I think it quite safe to presume that the new proceeding has been, by this time, begun. If so, there is little doubt of the vacation of the claimant's judgment, and of the final quieting of the title in Mr. Knapp. At least, as Mr. Knapp still holds possession of the property, all the legation can now do is to watch the outcome. In case of failure of the new action your instructions will at once apply.

I am, &c.,

LEWIS WALLACE.

No. 652.

Mr. Wallace to Mr. Bayard.

[Extract.]

No. 491.]

LEGATION OF THE UNITED STATES,
Constantinople, April 9, 1885. (Received April 27).

SIR: I have the honor to transmit for your consideration a copy, with translation, of a note received yesterday from the Sublime Porte upon the subject of the demands compensatory of the injuries and wrongs done to Messrs. Reynolds, Knapp, and Pflaum.

As this is the second refusal of the claims by the Imperial Government, it would seem that the legation may properly hold itself acquit of further action in their support until you are pleased to favor it with further instructions.

* * * * *

It may not be improper to add that my course throughout the affair was governed by instructions.

I am, &c.,

LEWIS WALLACE.

[Enclosure in No. 491—Translation.]

Assim Pasha to Mr. Wallace.

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,
April 6, 1885.

Mr. ENVOY: I have received the two communications which your excellency addressed to me, dated February 27, Nos. 240 and 241, demanding an indemnity in favor of Dr. Pflaum, Knapp, and Reynolds.

Inasmuch as the Imperial minister has had the honor to observe previously to your excellency that in penal matters there is no provision giving a private individual, who considers himself injured in his rights, permission to claim pecuniary indemnity from the state, I regret, therefore, my inability to accede to your excellency's demand.

I believe, however, having added, that it is lawful for the parties interested to bring suit against the magistrates for prejudice to their cases by reason of irregularities in the proceedings.

Will you accept, &c.,

ASSIM.

No. 653.

Mr. Bayard to Mr. Emmet.

No. 289.]

DEPARTMENT OF STATE,
Washington, May 29, 1885.

SIR: This Department has received a dispatch of the 20th ultimo, from the United States consul at Beirut, stating that the Turkish bureau of nationality at Constantinople had recently declined to certify to the American citizenship of Messrs. Kevork Gulizyan and Bedros Iskiyan, on the ground that their passports did not show that they left the Ottoman Empire prior to the promulgation of the law of 1869 forbidding Turkish subjects to leave the country without permission to become naturalized in another country. The refusal referred to, for the reason alleged, seems so extraordinary, at least, that you will protest against it, and endeavor to have it corrected so far as it may have been or may be applied to the persons above referred to.

Passports are issued by this Department to naturalized citizens upon the production of the certificate of naturalization. There is no law of the United States requiring a passport to state when a naturalized citizen left the country of his birth, or to embody that statement in the passport. It has not been the practice of this Department to insert such a statement in the passports issued to former Turkish subjects or to any other naturalized citizens. A different course might imply that the right of the foreign government to participate in or to make the

naturalization of its subjects conditional was acknowledged here. This it has never been and probably never will be.

The Turkish law referred to also seems to be defective or ambiguous, inasmuch as it assumes that every Ottoman subject who leaves his native country has an intention to become naturalized elsewhere. If this be the meaning of the law, it must be contrary to facts of daily occurrence in that Empire. It may be that Turks, in proportion to their number, do not travel as much as inhabitants of other countries. Still, it is believed that comparatively few of those who do go abroad leave home for the purpose of changing their nationality.

I have, &c.,

T. F. BAYARD.

No. 654.

Mr. Porter to Mr. Emmet.

No. 293.]

DEPARTMENT OF STATE,
Washington, June 8, 1885.

SIR: I herewith inclose copies of letters from Mr. J. J. Arakelyan, of Boston, of the 16th and 29th ultimo, complaining that the Government of Turkey imposes taxes upon and exacts onerous duties of his relatives in the town of Arabkir, owing to his absence.

Upon the receipt of Mr. Arakelyan's letter of the 16th, he was told that before any measures could be taken in the premises he must furnish proof of his naturalization. His letter of the 29th, therefore, inclosed a certified copy of such paper.

Taxation may no doubt be imposed, in conformity with the law of nations, by a sovereign on the property within his jurisdiction of a person who is domiciled in and owes allegiance to a foreign country. It is otherwise, however, as to a tax imposed, not on such property, but on the person of the party taxed when elsewhere domiciled and elsewhere a citizen. Such a decree is internationally void, and an attempt to execute it by penalties on the relatives of the party taxed gives the person as taxed a right to appeal for diplomatic intervention to the Government to which he owes allegiance. To sustain such a claim it is not necessary that the penalties should have been imposed originally and expressly on the person so excepted from jurisdiction. It is enough if it appears that the tax was levied in such a way as to reach him through his relatives.

It is desired, therefore, that you bring the complaint of Mr. Arakelyan, as cited in the inclosed copies of his letters, to the notice of the Ottoman Government, requesting that the sum received for any taxes imposed on his relatives on his account be refunded, that the value of the road services rendered by Mr. Arakelyan's brother be returned, and that no further taxes on account of Mr. Arakelyan be imposed on his family.

I am, &c.,

JAS. D. PORTER,
Acting Secretary.

[Inclosure 1 in No. 293.]

Mr. Arakelyan to Mr. Bayard.

BOSTON, May 16, 1885.

DEAR SIR: I was about nineteen years old when I left Turkey and came to the United States. It is now nearly eighteen years that I have been in this country, where I have married an American lady, and become so permanently settled, that it is not likely I shall ever return to the East. For more than fourteen years I have been an American citizen, tax-payer, and voter. My father, Arakel Jangigian (an Armenian), with his family, resides in the town of Arabkir, Harpoot Pashalik, Turkey. His circumstances, like the majority of those in that land, are not in a prosperous condition, and I am obliged to aid him pecuniarily.

Letters from him tell me that the Turkish Government not only continue the habit of collecting taxes from him, on my account, but to improve the roads of that vicinity (compelling the people to work without pay) they have taken my young brother and kept him double length of the required time because of my absence.

I thought the best way to adjust the matter would be to write you the facts, feeling sure that you will kindly exercise your official power to right these wrongs and have justice done to these poor people. Above all, to see that the Turkish government does not require a tax and substitute for an American citizen who resides in America!

Cannot our minister there at Constantinople, through your request, inform the Turkish Government that I have ceased to be honored by being their subject? They must drop my name from their records. But of course you will know what is best to do. I feel anxious for my father and family, and whatever you may do to relieve them from such oppression will very greatly oblige me.

Yours, respectfully,

JACOB J. ARAKELIAN.

[Inclosure 2 in No. 293.]

Mr. Arakelyan to Mr. Bayard.

BOSTON, May 29, 1885.

DEAR SIR: Thanking you for your favor of the 26th instant, I inclose the certified copy of my certificate of naturalization, which it did not occur to me to mention before, supposing the fact of my being a citizen and voter implied that I must have been naturalized. I beg leave to correct one statement in the first letter, wherein I said I had been a citizen for fourteen years, whereas I find it will be thirteen years in November.

I shall most gratefully appreciate your endeavor to convince the Turkish Government of the injustice of which I feel I have ample ground for complaint, when taxed in a country which I left while still a minor. In fact, I cannot perceive that they have a right to tax me, or take a substitute for me, any more than for thousands of other American citizens residing in America and paying their taxes here.

Very respectfully,

JACOB J. ARAKELIAN.

No. 655.

Mr. Bayard to Mr. Emmet.

No. 296]

DEPARTMENT OF STATE,
Washington, June 29, 1885.

SIR: I herewith inclose a copy of a letter from the Hon. John V. L. Findlay, of the House of Representatives, from Maryland, of the 23d instant, and of my reply of the 29th, in regard to the case of Mr. E. Chryssofondis, of Baltimore, who lately visited Turkey, his native country.

Your attention is particularly invited to the allegation quoted in my letter to Mr. Findlay, to the effect that the Turkish officer at Darda-

nelles had stated that his Government had made a treaty with the other powers by which a Turk who returned to his former allegiance forfeited his citizenship elsewhere acquired, and became again a subject of Turkey. You will examine into the matter, call upon the consular agent at Dardanelles for a report, and make due communication thereof to the Department.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 296.]

Mr. Findlay to Mr. Bayard.

BALTIMORE, June 23, 1885.

DEAR SIR: The case of Elifthirios Chryssofondis, to which I called your attention orally yesterday, is in brief as follows:

Mr. Chryssofondis is of Greek parentage, but was born within the jurisdiction of Turkey. He was afterward naturalized in Greece and subsequently became an American citizen, of all which facts I have the proper documentary testimony before me. The rest of his case is accurately enough stated in the inclosed slip, taken from his own accounts of himself and published in this morning's issue of the Baltimore Sun. I make this slip a part of my statement.

Two questions arise on this statement:

- (1) What are Mr. Chryssofondis's rights?
- (2) What steps are necessary for their enforcement?

And upon these points your opinion and action are respectfully solicited.

Very truly yours,

JOHN V. L. FINDLAY.

[Inclosure 2 in No. 296.]

TURK OR AMERICAN.

[Reported for the Baltimore Sun.]

Representative John V. L. Findlay had an interview yesterday with Mr. Bayard, Secretary of State, at Washington, in regard to the action of the Turkish Government officials toward Mr. E. Chryssofondis, confectioner of Lexington street, Baltimore, whose rights as an American citizen were disregarded during a recent visit to Turkey, his native country.

Mr. Chryssofondis left Turkey when a boy and went to Greece, where he was naturalized. Afterward he came to Baltimore and became a citizen of the United States. On January 15, 1885, he left Baltimore for a visit to his native town of Renqui, about three hours' ride from the Dardanelles. He arrived there March 1, and remained at home with his father and family forty-five days. On April 17, desiring to leave the Dardanelles by steamer for Smyrna and thence by Marseilles to Baltimore, he applied to the American consul for the necessary pass. The consul sent an interpreter to the Government office, but the officials returned a message that the man who wanted the pass must come for it himself. Mr. Chryssofondis went. He was asked where he was born, and replied in Turkey.

As soon as the officials heard that he was a native of Turkey they declined to give him a pass. He showed his United States naturalization papers, but they were tossed back to him and he was told they were no good. Turkey, they said, had made a treaty in 1867 with all other nations by which a Turk who returned to Turkey after attaining citizenship elsewhere became again a subject of Turkey and forfeited his other citizenship. Mr. Chryssofondis returned to the consul, who cut matters short by sending him on board the steamer by his own boat the next day. He reached Baltimore May 24, 1886.

Mr. Chryssofondis says if he had not escaped he would have had to pay about \$3 or \$4 taxes for every year since he left Turkey in 1860. The question submitted to the Department of State was whether or not the Turkish Government had any control over Chryssofondis on his return to his native country after becoming naturalized in the United States. Mr. Chryssofondis says that unless his rights as an American citizen

are established he will not be allowed to hold property or do business in Turkey, nor to leave if he went to visit his family. He could not inherit property from his father, nor could his father give him back property purchased with money sent home by him. He has no desire to return to Turkey to live, but wants his property rights protected.

[Inclosure 3 in No. 296.]

Mr. Bayard to Mr. Findlay.

DEPARTMENT OF STATE,
Washington, June 29, 1885.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant in regard to the case of Mr. E. Chryssofondis, of Baltimore, and to say that there is no treaty of naturalization between the United States and Turkey. In default thereof, however, no case is known in which the latter Government has failed to recognize the effect of a valid naturalization of a Turk in the United States on the fact being proved. This Government makes no distinction in such a case between the treaty right of naturalized citizens of whatever origin and those of native citizens. (See section 2000, Revised Statutes of the United States.)

In the case of Mr. Chryssofondis there would seem to have been some confusion at Dardanelles as to the sufficiency of the evidence of his American citizenship, and no attempt seems to have been made by him or by the consular agent there, Mr. Frank Calvert, to set the matter right. Mr. Chryssofondis is stated to have presented to the local official a certificate of his naturalization of which the officer declined to take cognizance. The proper paper to present would have been a passport issued by this Department or by the United States legation at Constantinople; and this Government has no knowledge of the sufficiency of a United States passport, duly visaed by the Turkish authorities, being questioned in Turkey.

The Turkish regulation prescribes the evidence required of foreign travelers, namely, a passport, certified by the Turkish consul at the port of last departure and countersigned by the local authorities. Persons going to Turkey without the required documents cannot expect to escape inconvenience; but if they are disturbed, the establishment of their identity and status through the United States legation at Constantinople should not be difficult.

Mr. Chryssofondis seems to have made no attempt, through the consular agent or legation, to assert his right as an American citizen; but quitted the country voluntarily the next day, and, so far as can be seen, without the slightest effort on the part of the Turks to interfere with his personal liberty. On the facts presented in your letter and its accompanying printed statement, there would seem to be no just ground for complaint against the Government of Turkey. The most that can be said is that, in the personal conversation between Mr. Chryssofondis and the Turkish officers at Dardanelles the latter is alleged to have made the remarkable statement that "Turkey has made a treaty in 1867 with all other nations by which a Turk, who returned to Turkey after attaining citizenship elsewhere, became again a subject of Turkey and forfeited his other citizenship." The Government of the United States is not a party to any such treaty as is here mentioned, and none such is known to exist between Turkey and any other powers. The officer would appear to have been misinformed, and the legation at Constantinople will be instructed to ask that he be correctly advised.

I have, &c.,

T. F. BAYARD.

No. 656.

Mr. Emmet to Mr. Bayard.

No. 513.]

LEGATION OF THE UNITED STATES,
Constantinople, July 21, 1885. (Received August 10.)

SIR: I have the honor to report that yesterday, being the day set apart by his excellency the minister of foreign affairs for receiving the heads of the various legations, I availed myself of the occasion to bring to his notice the cases embraced in dispatches Nos. 293 and 296. This

means I deemed much more expeditious than communication by writing. I beg to embody our interview, as follows:

His excellency states that the majority of cases where the naturalization of Turkish subjects is questioned are found to be people who have left the Empire to escape payment of debts, evade criminal process, or without obtaining leave of the Government, and by remaining absent for a length of time and returning under the protection of an American passport expect immunity from everything remaining of record against them. Furthermore, he says that the Ottoman Government can have but one standard for the consideration of the naturalization of persons formerly Ottoman subjects, and which is fully stated in the law promulgated January 19, 1869.

By examination of the *Législation Ottomane*, vol. 1, page 8, art. 5, I translate as follows:

ART. 5. The Ottoman subject who has acquired a foreign nationality with the authorization of the Imperial Government is considered and treated as a foreign subject. If, on the contrary, he has naturalized himself as a foreigner without the preliminary authorization of the Imperial Government, his naturalization will be considered as null and void, and he will continue to be considered and treated in all respects as an Ottoman subject. No Ottoman subject can in any case acquire foreign naturalization until after obtaining an act of authorization delivered by virtue of an Imperial iradé.

His excellency stated that but one thing remained to be done by those who have violated the above law, and that was to file a petition stating all the points of their several cases, and particularly a cause for changing their nationality, with the Turkish minister in America, who in turn will forward the same to the locality whence the petition originally came, and if found to have left a clean record after him, there will be no difficulty in obtaining the Imperial iradé, considered so indispensable in the above law.

Without this last precaution all naturalized Turks are debarred from inheriting from Ottoman subjects, notwithstanding that the property may have been acquired through the thrift and industry of the foreigner. And in case the latter purchases property he cannot bequeath the same to other than an Ottoman.

In reference to filing these petitions with the Turkish minister in America, I made particular inquiry whether it would not be preferable to have the same come through the channel of the State Department and this legation, to which his excellency replied that by the personal application to the minister he would be enabled to pronounce at once whether the applicant could obtain relief, and thereby save much time and labor.

I am, &c.,

WM. C. EMMET,
Chargé d'Affaires ad interim.

No. 657.

Mr. Emmet to Mr. Bayard.

No. 515.]

LEGATION OF THE UNITED STATES,
Constantinople, July 23, 1885. (Received August 10.)

SIR: I have the honor to report that, on receipt of your dispatch No. 296, I addressed a communication to Mr. Frank Calvert, United States consular agent at the Dardanelles, a copy of which I have the honor to

inclose, and likewise the answer thereto, in reference to the case of Mr. E. Chryssofondis.

The statements contained in Mr. Calvert's answer are almost a repetition of the facts stated under cover of dispatch 296, with the additional information that the proofs of Mr. Chryssofondis's naturalization, consisting of a passport and a declaration of renunciation to foreign allegiance, were submitted to Consul-General Heap some time before they were shown to the Turkish authorities, and were pronounced as incomplete by Mr. Heap.

The ground for refusing recognition by the Turkish authorities was the law of 1869, which I cite in my dispatch No. 213, and that law will likewise prove a barrier to Mr. C.'s inheriting from his parents unless he takes the steps elsewhere indicated to obtain the Imperial iradé. Under the present state of circumstances his father cannot convey property to him, although the same was purchased with money earned in America and sent to Turkey for investment.

His only relief on that point is the disposal of the property by his father, during his life, and the return of the purchase money, or his share of it, to the American claimant, unless he obtains the iradé.

I am, &c.,

WM. C. EMMET,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 515.]

Mr. Emmet to Mr. Calvert.

UNITED STATES LEGATION,
Constantinople, July 16, 1885.

SIR: By dispatch received this day from the State Department I am directed to communicate with you and ask for all the information at your command in reference to the case of Mr. E. Chryssofondis, of Baltimore, Md.

The following statement has been submitted to the State Department, and I furnish it to you for confirmation or alteration as your knowledge of the same may dictate.

It seems that Mr. E. Chryssofondis, claiming Greek parentage, though born in Turkey, returned to his native town, Reukioi (about three and one-half hours' ride from Dardanelles), March 1, last, upon a visit to his parents, from his adopted country, America, after an absence from Turkey of twenty-five years.

About April 17, desiring to return to America, he applied for a pass from the American consul at the Dardanelles, who in turn sent for same to the Turkish officials. An answer was returned by the latter that the applicant would have to appear in person. This being complied with, Mr. C. was asked where he was born, and when he replied "in Turkey" the Turkish officials absolutely refused to grant a pass, notwithstanding he showed his naturalization papers.

It is further stated to the State Department that during the interview between Mr. C. and the officials they justified their action by virtue of a treaty claimed to have been entered into in 1867, whereby all Turkish subjects who became naturalized in foreign lands and returned to Turkey forfeited all their rights acquired elsewhere. The date is what I have particular reference to, and whether they did not mean the law of 1869, enacted in reference to naturalization. In making answer to my inquiries, you will please state whether Mr. C. had and exhibited a passport, in addition to his naturalization papers, and all other points which you deem as bearing weight.

If you have any means of ascertaining the truth of Mr. C.'s claim to Greek parentage, it would add an interesting phase to the question under investigation.

I am, &c.,

WM. C. EMMET,
United States Chargé d'Affaires ad interim.

[Inclosure 2 in No. 515.]

*Mr. Calvert to Mr. Emmet.*UNITED STATES CONSULAR AGENCY,
Dardanelles, July 20, 1885.

SIR: I have received your dispatch No. 205, of July 16, with reference to the case of Mr. E. Chryssofondis, of Baltimore, Md.

In reply, I have the honor to furnish the facts that have come to my knowledge. Respecting the parentage of Mr. Chryssofondis, I can state I know his father personally. He is a native of the town of Reukioi, in this neighborhood; a Greek by religion, not by nationality; by birth a "rayah," or non-Mussulman Turkish subject. According to the statement of Mr. Chryssofondis, he left his native town of Reukioi about twenty-eight years since. After a residence of thirteen years in Greece, where, I believe, he became a Greek naturalized subject, he proceeded to the United States in 1870. In March, 1885, he returned to this country on a visit to his relatives. The documents he produced to prove his American nationality were a passport and a declaration of renunciation to foreign allegiance.

At the time of Mr. Chryssofondis's arrival, and at his request, I wrote to Mr. Consul-General Heap, at Constantinople, to inquire if he would be protected as an American citizen from the Turkish authorities. Before receiving a reply I saw Mr. Heap personally. He verbally informed me he was of opinion Mr. Chryssofondis's naturalization papers were incomplete, and advised that Mr. C. should, before his projected second visit to Turkey, provide himself with all necessary documents, when Mr. Heap would demand from the Porte a recognition of Mr. Chryssofondis's American nationality.

Mr. C., on his departure from this place, applied for a pass, which was refused by the Turkish authorities. As he would not have been allowed to embark elsewhere, I permitted him to go on board a steamer from the consulate in a boat I was sending off.

The Turkish authorities justify their attitude in virtue of the treaty of 1869, in reference to naturalization. I may add that Mr. Chryssofondis did not produce any document to prove a residence in Greece.

I have, &c.,

FRANK CALVERT,
Consular Agent.

No. 658.

Mr. Emmet to Mr. Bayard.

No. 516.]

LEGATION OF THE UNITED STATES,
Constantinople, July 23, 1885. (Received August 10.)

SIR: I have the honor to report that during an interview had with the minister of foreign affairs, on the 20th inst., the particulars of dispatch No. 293 were fully discussed, with the following result:

His excellency presupposes that at the time Mr. J. J. Arakelyan left his native town, Arabkir, some of his relatives entered into bonds, thereby enabling him to absent himself from home, and hence the exaction of taxes and labor on his behalf since his departure.

If Mr. Arakelyan will take the trouble to file a petition with the Turkish minister in America, setting forth the facts of his case, his reason for becoming naturalized, and exhibiting the proofs of his naturalization, the minister will forward a communication to the authorities of his former home, and have his name stricken from the records, thus relieving his parents from the burden of further taxation or labor on his account. As to the restitution of moneys already disbursed, or remuneration for labor performed, his excellency said there would be no hope for recovery. In his own words, "We will forgive him for the future, and he must forgive the Turkish Government for the past."

The system of bonding would-be absentees is quite a general practice in Turkey, and will undoubtedly be found the origin of the above case.

I am, &c.,

WM. C. EMMET,
Chargé d'Affaires ad interim.

No. 659.

Mr. Bayard to Mr. Cox.

No. 6.]

DEPARTMENT OF STATE,
Washington, August 17, 1885.

SIR: I have received Mr. Emmet's No. 515, of the 23d ultimo, in regard to the complaint of Mr. E. Chryssofondis, of Baltimore, and have explained the situation of the case as therein reported, as well as in Mr. Emmet's No. 513, of July 21 last, relative to the naturalization of Ottoman subjects, to the Hon. John V. L. Findlay, member of Congress from Maryland, who communicated Mr. Chryssofondis's grievance to the Department. I have also stated to Mr. Findlay that instead of the petition for an iradé being made direct to the Turkish minister here, provided Mr. Chryssofondis desired to comply with the Turkish regulations in question, if he would cause the Department to be fully advised upon the subject, and furnished with proof of Mr. Chryssofondis's naturalization, the necessary application would be made to that minister through this Department.

I am, &c.,

T. F. BAYARD.

No. 660.*Mr. Bayard to Mr. Cox.*

No. 7.]

DEPARTMENT OF STATE,
Washington, August 17, 1885.

SIR: I have to acknowledge the receipt of a dispatch, No. 516, of the 23d ultimo, from Mr. Emmet respecting the complaint of Mr. J. J. Arakelyan, a naturalized American citizen of Boston, Mass., and to say that I have apprised him of the purport of Mr. Emmet's dispatch as well as of his No. 513, of the 21st ultimo, concerning Ottoman subjects who have obtained a foreign allegiance without permission of their sovereign. I have also advised Mr. Arakelyan that rather than that he should make the application for an iradé direct to the minister of Turkey here, provided it was his intention to comply with this Turkish requirement, if he would explain the situation fully to the Department, in addition to what was here known touching his naturalization, proper application would be made to that minister through this Department.

I am, &c.,

T. F. BAYARD.

No. 661.*Mr. Bayard to Mr. Cox.*

No. 9.]

DEPARTMENT OF STATE,
Washington, August 17, 1885.

SIR: I herewith inclose a copy of a letter from the secretary of the Board of Commissioners for Foreign Missions at Boston, Mass., of the 29th ultimo, and of my reply thereto of the 17th instant, in respect of the cause of American missionaries in the Ottoman Empire.

It is not deemed necessary to dwell upon any particular cases, the record of which is in the legation at Constantinople, for it is assumed that you will have familiarized yourself therewith as one of the initial duties incumbent upon you. While from the nature of these cases the conduct of this class of questions must be largely intrusted to your discretion, yet it is not to be supposed that you will be any less active than your predecessors in endeavoring by every means known to the intercourse of sovereign states to secure all due protection and redress for your countrymen who take up their abode in Turkey and observe its laws.

You will communicate freely with the Department on this subject as you may deem it necessary, and while giving your own views as to the result of the practical knowledge you may be able to obtain on the spot, you will ask such special instructions as you may think needful. You will rest assured that it is the purpose of this Government to go to all proper limits in protecting American rights and interests in Turkey, and any suggestions that you may offer as to the proper method of doing so will have careful consideration. At the same time you will not disguise from the Porte our sense of disappointment at the inadequacy of the protection accorded to law-abiding citizens of the United States in Turkey, and the bad impression which must be created from the continued failure to punish offenders whose identity has been amply established. The Turkish Government is no less concerned than ourselves in seeing to it that no imputation on its good faith shall be possible, and that no culprit shall be screened from the consequences of his acts. The Government of the United States recognizes in the missionaries an honest and worthy set of men who have achieved a vast amount of good and whose welfare is dear to multitudes in this country. They not only deserve all the protection possible, but should be shown every proper sympathy in their life-work.

Adding, in conclusion, that the Department hopes soon to be favored with such practical views as you may find occasion to present in regard to this important subject,

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 9.]

Mr. Clark to the President.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
CONGREGATIONAL HOUSE, 1 SOMERSET STREET,
Boston, July 29, 1885.

SIR: In behalf of the American Board of Commissioners for Foreign Missions I beg to call your attention to the need of more efficient *protection of American interests in the Turkish Empire*. You are aware that the larger part of American residents in that empire are connected with different missionary societies, hence the officials of the United States of different grades will naturally be brought into relations with them quite as often as with other Americans, perhaps oftener.

The following statistics will indicate in some measure the extent of the work in charge of the missionaries of the American and Presbyterian Boards of Missions within the limits of the Turkish Empire. The number of missionaries, men and women, from this country is over two hundred. They are to be found at the most influential centers of influence, from Macedonia to the borders of Persia on the east, and from the Black Sea on the north to Arabia on the south. Between three and four hundred towns and cities are occupied by missionaries in person or by their agents. About one hundred and fifty churches have been gathered with over ten thousand members.

Nearly a million of dollars is invested in educational and publication enterprises, in-

cluding eight institutions of college grade attended by over one thousand students, and from seventy-five to eighty high schools and seminaries with some twenty-five hundred pupils.

Not far from two hundred millions of pages of works for educational and religious purposes have been issued from the press in six different languages.

Rev. Dr. Gilman, one of the secretaries of the American Bible Society, has kindly given me the following items, touching the work of his society:

The American Bible Society has large investments at Constantinople and Beirut in electrotypes, printed books and sheets, and electrotypes apparatus—the value of the same being not far from \$125,000.

At those two points it manufactures not far from fifty thousand volumes a year in Turkish, Armenian, Bulgarian, and other languages used in the Turkish Empire.

Its whole work is philanthropic and benevolent and aims to make it possible for the subjects of the Turkish Empire, of whatever language or ancestry, to become possessors of the Holy Scriptures which have done so much for the prosperity of the United States.

No commercial profit is sought for or received; but no attempt is made to force the Scriptures upon persons reluctant to receive them.

Besides the property of the Bible Society, the trustees of the Bible House have a building at Constantinople, which, with the land on which it stands, cost not far from \$80,000.

The missionaries and others connected with the interests above outlined ask, and we ask for them, only the enjoyment of the rights and privileges accorded by treaty stipulations to American citizens as such. We ask no favors for them as missionaries, but only as American citizens in the prosecution of lawful callings.

It is not to be disguised, however, that the Turkish Government of late years has become more and more jealous of our influence, and of the work we are doing in enlightening the people. Hence restrictions have been laid upon us in many ways, and the protection and the privileges granted to other nationalities are no longer accorded to us as in former years.

(1) The first restriction to which I would refer relates to the distribution and sale of publications, such as have been duly approved by Government censors, and which are, therefore, property to be regarded as objects of commerce. In repeated instances of late men employed to sell publications have been arrested and the property in their hands seized. After due representation to the civil authorities, and wearisome delays, the individuals arrested have been released and property restored, but no adequate reparation has been made for the loss of time and for the damage done by the detention of property. The Government has made promises of reparation again and again, but the promises have not been fulfilled. In one case, that which occurred at Gallipoli, General Wallace demanded £100 Turkish indemnity for losses incurred, but our Government did not sustain him in pressing the claim, and so it was dropped. Of late similar cases have occurred in the region of Erzeroom, and to such an extent have these restrictions been enforced as seriously to interfere with the prosecution of our labors in this direction.

(2) Another restriction which has greatly hindered our work of late has been the withholding of the usual permits for the erection of school buildings. We have been allowed to publish school books to a large extent, and to educate teachers, but when we ask permission to erect school buildings for the proper carrying out of this branch of the service, these permits are either withholden altogether, or we have been subjected to ruinous delays. These permits have been given in most instances to the French, but are not given to Americans.

(3) The gravest matter of which we have to complain is lack of security for the lives and property of missionaries, especially in the interior. Not only are permits or safe conducts withheld in some cases, as at Erzeroom and Van, from missionaries desiring to travel in the prosecution of their work—safe conducts by which they could secure guards for their protection—but two of our missionaries about two years since were stricken down on the highway and severely wounded by repeated sword-cuts and no redress has ever been secured for this outrage. The principal man concerned is well known and representations have been made touching the case to the Turkish Government, and promises abundant have been made that he should be arrested and punished, but nothing has been done. On the contrary, this man is treated with very distinguished consideration by the local authorities and his example is referred to as evidence that Americans, as such, have no rights and no just claim on the protection of the Turkish authorities.

In this case also General Wallace, on being instructed by the United States Government to press the matter of redress with vigor, and to secure proper indemnity, did so, expecting the support of his Government in such demands as he might make. He demanded £1,000 Turkish, as indemnity for the injuries done to one of these gentlemen, Dr. Reynolds, and £500 Turkish indemnity for injuries done to Mr. Knapp, his associate; but when he came to press these claims on the Turkish Government he was again held in check by his own Government, and everything was left to the good sense and kind feeling of the

Turkish authorities. I am sorry to be obliged to refer to such neglect of American citizens on the part of its Government, neglect now so continued and repeated in so many instances as to make our American citizens blush at the very name "American." Is it not possible for Americans, as such, to enjoy in Turkey the same immunities and the same protection which other nationalities accord to their subjects?

I might add to these instances other illustrations. It may be enough to name one.

Mr. Knapp, some twenty years ago, purchased of the Turkish Government a house in Bitlis; but of late the order has been given, first through local courts and afterwards confirmed by the authorities at Constantinople, that he give up his house to one who comes forward as a claimant of the property, and not only give up the house, with all the improvements made on it, but pay twenty years' rent thereon. This is in a city in which the American name has been so discredited by failure to secure the proper punishment of Moussa Bey, the principal man involved in the outrage upon the persons of Messrs. Knapp and Reynolds.

These matters and others will come to the early attention doubtless of Mr. Cox on reaching Constantinople. He will find in the files of his office abundant information touching these matters. Mr. Heap, the consul-general of the United States, in consequence of ill health, has been worried, doubtless, by many of these complaints, and has shown less sympathy and less readiness to secure redress for our grievances. In one instance a civil suit, which, in accordance with former precedents, and in accordance with the judgment of English and French consuls, should have been settled in a consular court, was thrown into one of the Turkish courts, where it was a foregone conclusion that unfavorable judgment would be rendered on our claims.

The reason alleged by Mr. Heap, as reported to me, was that the consular court had no power to enforce its decisions. This was a new revelation, and I cannot but hope that my informant was mistaken. It was too painful a confession of the entire weakness of the United States officials in the Turkish Empire to secure redress for our citizens.

I will only add the strong conviction, grounded on former precedents, that the occasional presence of our Mediterranean fleet in Turkish waters, or the frequent visit of some of our ships of war at Smyrna, the Dardanelles, or Salonica—not as a menace, but as a reminder to the Turkish Government of the existence of the United States as one of the great powers of the world—would add very much to the influence of the American minister, restore the credit and the prestige of the American name, and contribute not a little to securing the rights and privileges of American citizens in accordance with treaty stipulations.

Yours, &c.,

N. G. CLARK,
Secretary.

[Inclosure 2 in No. 9.]

Mr. Bayard to Mr. Clark.

DEPARTMENT OF STATE,
Washington, August 17, 1885.

SIR: Your letter of the 29th ultimo to the President, advocating the cause of American missionaries in Turkey, has been received and referred to me for reply. A copy of it will be at once sent to Mr. Cox, our present representative at Constantinople, to whose discretion the conduct of this class of questions must be largely intrusted. He will doubtless feel it a pleasure as well as a duty to interest himself in the matter, and it is not supposed that he will be any less active than his predecessors in endeavoring by every means known to the intercourse of sovereign states to secure all due protection and redress for American citizens who take up their abode in Turkey and observe the laws of the Ottoman Empire.

Your letter intimates an opinion that past administrations have been lax in not pressing and enforcing demands for reparation and pecuniary indemnity in certain cases to which you advert. I find that the peremptory demands in question were made by Mr. Wallace without due prior authority; and having been refused by the Turkish Government, an insistence upon them, and especially a determination to enforce them, would have entailed great responsibilities. Had it been the purpose of the last administration to proceed to any international extremity, the order to demand indemnity would doubtless have proceeded in the first instance from the Department of State. The wisdom of presenting, by way of ultimatum, peremptory demands for money payment in cases of this character is not apparent, for it is a rule of international law that sovereigns are not liable, in diplomatic procedure, for damages to a foreigner when arising from the mis-

conduct of agents acting out of the range not only of their real but of their apparent authority. This Government could not admit such a demand upon it on the part of any foreign power, and it cannot be expected to make such a demand against a nation with which it treats as an equal sovereign, unless it has acquired by treaty the right to do so.

But this view of the matter is qualified by the right to expect that, when the circumstances of the case warrant it, the Government found morally in default will hasten to render proper reparation to the injured party. This is what Mr. Wallace appears to have been directed to press for by every means in his power, and Mr. Cox will be instructed in the like sense. He will spare no efforts to impress on the Government of the Porte our earnest conviction that we have a right to expect that justice will be meted out to the offenders, and that such reparation will be tendered for the injuries suffered as will comport with a due sense of justice and of deference toward a friendly power.

I am, &c.,

T. F. BAYARD.

No. 662.

Mr. Bayard to Mr. Cox.

No. 10.]

DEPARTMENT OF STATE,
Washington, August 17, 1885.

SIR: I have to acknowledge the receipt of a dispatch from Mr. Wallace, No. 491, of April 9, 1885, reporting the adverse decision of the Government of Turkey to the claims for indemnity preferred by the United States on account of the assaults committed upon the Rev. G. C. Knapp and Dr. G. C. Reynolds and Maurice Pflaum, M. D.

The minister for foreign affairs maintains that his Government is not to be held pecuniarily responsible for the acts complained of, and asserts that it is lawful for the parties interested to bring suit against the "magistrates for prejudice to their cases by reason of irregularities in their proceedings."

I am unable to accept this reply as either a final or satisfactory answer. The magnitude of these offenses, no less than the cruelty which particularly characterized the treatment received by Messrs. Knapp and Reynolds, leaves no other course open to this Government than to again appeal to that sense of justice which should alike animate Turkey and prompt her to make honorable amends for these crimes.

I do not, however, deem it necessary to review the entire correspondence in each of these cases, since it is fully before your legation. I therefore content myself with a brief reference in each case, and trust that you will speedily familiarize yourself therewith and renew the application for a money indemnity for these outraged American citizens. In so doing you will keep in mind the general views as to this class of claims expressed in my No. 9, of the 17th instant.

The assault upon Messrs. Knapp and Reynolds was committed May 31, 1883, by Koords near Bitlis, and was accompanied with robbery and attempted murder. Dr. Reynolds received ten sword-cuts, while Mr. Knapp was beaten over the head with a heavy club. Both gentlemen were tied, gagged, and dragged into the bushes and left to die.

The case of Dr. Pflaum occurred also in 1883, April 28. It originated in an unpaid bill for medical services rendered to Tahir Effendi, of Axar, and involves the disputed Article IV of the treaty of 1830, with a peculiar advantage on the side of this Government. "The governor of Axar," says Mr. Wallace, "did not confine himself to *arresting* Dr. Pflaum, and *trying* and *sentencing* him; he went the full figure, and *punished* him also."

It needs also to be remarked that in connection with these cases the Government of the United States has not yet succeeded in obtaining satisfactory treatment by Turkey.

Mr. Wallace's dispatches Nos. 460 and 461, of January 8 and 13, 1885, present the latest developments in the cases previous to his No. 491. His No. 460 contains a note from the Turkish Government relative to the case of Dr. Pflaum. It acknowledges the discovery of certain irregularities, announces the removal of two officials, and the reprimand of another. His No. 461 concerns the case of Messrs. Reynolds and Knapp. It also acknowledges the discovery of some irregularities, and states that certain officials have been "put under judgment."

In the case of Dr. Pflaum, Mr. Frelinghuysen replied, under date of January 29, 1885 (No. 257), that in the Department's judgment it seemed fitting that this admission of irregular treatment should be followed by an immediate offer on the part of the Sublime Porte to make due reparation to a wronged American citizen. Mr. Wallace was accordingly instructed to renew his application for a suitable money indemnity, should he not receive within a reasonable time an offer of settlement from Turkey. Respecting the complaint of Messrs. Reynolds and Knapp, my predecessor remarked in his instruction (No. 260) of February 4, 1885, that the reported action of Turkey was viewed with satisfaction as evidence of a desire on the part of that Government to recede from the deadlock into which the matter had fallen through the action of the Turkish authorities, and of a purpose to act in accordance with international comity and right counsel. "It remains to be seen, however," adds Mr. Frelinghuysen, "whether substantial justice for these injured men can be reached, and certainly no less will satisfy us. Under all the circumstances of this case, the Government of the United States rightly expects that the Government of Turkey will make early and due reparation to Messrs. Knapp and Reynolds for the outrages perpetrated by Moussa Bey, whose identity is beyond question."

So much depends on the tact with which a pecuniary claim on a foreign Government is pressed and on the influence of the officer presenting it, that I do not think that even two refusals from Turkey in the present cases should place this Government in a position in which a third application through a new minister would be improper.

I cannot but regard that these claims possess much merit, and that the Government of Turkey should be urged to settlement. I am not disposed to say that our insistence should be such as to disturb the friendly relations of the two countries, and with these remarks I feel that I may confidently leave the subject largely to your discretion.

The Department will be glad to receive a full report of your action, when taken.

I am, &c.,

T. F. BAYARD.

No. 663.

Mr. Bayard to Mr. Cox.

No. 15.]

DEPARTMENT OF STATE,
Washington, August 27, 1885.

SIR: Adverting to the Department's instructions No. 293, of June 8, to Mr. Emmet, and No. 7, of the 17th instant, to yourself, I herewith inclose a copy of a letter from Mr. J. J. Arakelyan, of the 20th instant,

giving an account of his coming to the United States in order that an iradé such as that referred to by Mr. Emmet in his recent dispatch may be obtained from the Porte. This letter of Mr. Arakelyan's, in connection with the information already before your legation, will place you in possession of the necessary facts in this case upon which to petition the Turkish Government for an iradé, so that his name may be stricken from the records, thereby relieving his parents from the burden of further taxation or labor on his account.

You will use your best endeavor to obtain this action with as little delay as possible.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 15.]

Mr. Arakelyan to Mr. Bayard.

BOSTON, MASS., *August 20, 1885.*

DEAR SIR: Your favor of the 17th instant was duly received, for which please accept most hearty thanks. I shall be highly pleased to have the State Department continue in their request to the Turkish Government to right the matter affecting unjustly an American citizen, and to secure an iradé if that seems best in the Department's judgment.

The facts, in brief, of my coming to the United States, and, becoming one of its citizens, are as follows: When I was a boy, and my father was residing at Erzeroom, away from his family, he sent for me to join him there, leaving Arabkir, where I was born. While I was at Erzeroom my father's business compelled him to go to Trebizond, leaving me alone for two years, in which time a few of my friends, with myself, became desirous to go to the United States. Accordingly, in 1866, five of us left Erzeroom for this country, but when we reached Trebizond, where my father still was, he at once objected to my plan, and my companions continued their journey without me. At length my father, seeing that I should never be satisfied till I reached America, embraced the opportunity to let me go in the spring of 1867 with an American family, Mr. M. P. Parmelee and family, who were at Trebizond as missionaries of American Board of Commissioners for Foreign Missions.

On reaching Constantinople we met a Mrs. Walker whose husband had died at Diarbekir, and she had come to Constantinople with her children to join other missionaries in returning to this country. I was then engaged to assist her in the care of her family from Constantinople to Boston, where we arrived July 15, 1867, going at once to her father's home at Auburndale, Mass., where I remained, studying, about one year. From there I went to Riverside Press, Cambridge, Mass., Messrs. H. O. Houghton & Co. proprietors, with the intention of learning the art of printing, and returning to Turkey.

But as time went on my plans changed. On the 4th of June, 1879, I married an American lady at her home in Lancaster, Mass. In February, 1883, I left the Riverside Press, and opened a book and newspaper printing office at 226 Franklin street, Boston, where I still continue in business, residing at Cambridgeport, Mass., where I have been naturalized as you already know, having in your possession a certified copy of my naturalization paper.

Please observe, in view of the above facts, that there have been no obstacles to my coming to this country besides my father's unwillingness to part with his son, at first, and that no one has ever entered into bonds for me that I know of, nor did I ever hear of such a custom, as I must have done had any such arrangement been entered into for me, as the Turkish minister of foreign affairs presupposes.

There is no need to state that the facts in the case do entitle me to the protection and privileges of a citizen of the United States, and I feel sure that since you have so kindly and faithfully done so much already for me and for the right, you will eventually, with persistence, see wrongs righted and satisfaction gained. Thanking you again for the attention you are bestowing upon the matter,

I remain, &c.,

J. J. ARAKELYAN.

No. 664.

Mr. Bayard to Mr. Cox.

No. 16.]

DEPARTMENT OF STATE,
Washington, August 29, 1885.

SIR: I have received a dispatch, No. 429, of the 7th instant, from Mr. Heap, consul-general at Constantinople, in reference to the expulsion from Safed, Palestine, of two American citizens, Louis Lubrowsky and brother, Hebrews by nativity, because of their religious faith. It appears that these brothers on their recent arrival at Safed were required to give bonds in the sum of 400 Turkish pounds to leave the country in ten days or obtain a special license to remain.

The facts in detail will be found narrated in the correspondence which, it seems, Mr. Heap brought to the attention of Mr. Emmet on the 22d ultimo and 3d instant. For this reason I do not inclose to you a copy of Mr. Heap's dispatch, but you will immediately call upon him for such further particulars as you may desire, should the facts not be fully before your legation.

This case is commended to your attention as one in which the Department entertains the confidence that you will take the greatest interest and with which you will be competent to deal as a due regard for the rights of American citizens requires.

It is to be borne in mind, however, that those rights, under treaties, are to be measured in a certain degree by the rights conceded to other foreigners of the most favored nation. You will be careful, therefore, to make no untenable demand *as of right*. But friendship and international comity entitle the United States to ask and expect that no race or class distinction shall be made as regards American citizens abroad, and this Government cannot acquiesce in any such prescriptive measures which compel its citizens to abandon Turkey solely on account of their religious proclivities.

Mr. Heap's dispatch will acquaint you with the extent of his action and that of the consul at Beirut to prevent this wrong.

I am, &c.,

T. F. BAYARD.

No. 665.

Mr. Cox to Mr. Bayard.

[Extract.]

No. 14.]

LEGATION OF THE UNITED STATES,
Constantinople, September 18, 1885. (Received October 5.)

SIR: I have the honor to inclose copies of correspondence had with the English minister, Sir William A. White, in reference to affording American interests the protection of the English vice-consul at Harpoot, especially having in view the undisturbed continuance of the American college at that point.

You will be pleased to see that we are indebted to the courtesy and vigor of English officials at a point where none of our own is stationed, and also that the same is extended to our countrymen in as gracious a manner as it usually has been effective,

The above case comes under the general instructions recently received through your dispatch No. 9. That dispatch gives a large discretion in securing "all due protection and redress for your [our] countrymen who take up their abode in Turkey and observe its laws."

There are cases pending which need prompt attention, and as to which I will confer with the Department if any emergency not foreseen shall arise.

A case was brought to me yesterday of the most flagrant character, viz, the robbery in June last of Rev. Mr. J. F. Smith, his wife and son, and a Miss Wright of Marsovan, Asia Minor. The robbers (Circassian soldiers) were arrested; but no punishment has been had, and no return of the stolen property found upon the robbers. This robbery took place on the highway, nine miles from Tocat, under circumstances of aggravation. I have made a full representation to the Porte in such diplomatic terms as it is possible to use and be in earnest.

* * * * *

I refer to these cases (all comprehended under your No. 9) to show you that I have received your dispatch and am studying up the correspondence with a view to the best mode of redress.

* * * * *

I have, &c.,

S. S. COX.

[Inclosure 1 in No. 14.]

Mr. Cox to Mr. White.

LEGATION OF THE UNITED STATES,
Constantinople, September 11, 1885.

DEAR SIR: Some months ago the Ottoman Government decided to enforce its law—almost fallen into desuetude—against schools existing within its territory.

There is an American college existing from custom, never having been interdicted for lack of a "permit," at a place called "Harpoot." It is, according to the map, near the thirty-ninth parallel of latitude and about 150 miles south of Trebizond, Asia Minor. The American directors of this college apprehend difficulties from the local authorities of the vilayet, although application has been made according to the law for the "permit."

These local authorities do not respond to Ottoman Government at the Porte as to certain information on which the latter desire to base their "permit" for the college.

Inasmuch as there are no American officials of any grade at or near this place, and as the apprehension of the Americans is well grounded; and inasmuch as there is now temporarily resident at Harpoot an English vice-consul, Mr. Bajadjoin, who is your Government's representative at Diarbekir, a resident of the country and a gentleman of influence with the natives of that neighborhood, and a man of probity and benevolence, may I not respectfully ask your kind offices in behalf of the college through his intervention in the premises?

Is there a precedent for such a request and for acquiescence in it? Yes. In 1882 some difficulties arose with regard to Dr. Kingsbury, of Samacow in Bulgaria. He was in the habit of attending medically the American families in Samacow. He was arraigned before the Bulgarian authorities, or rather required by them to present himself before a medical body at Sofia and display his diplomas and verify their authenticity. He complied. The next day, however, he was summoned to appear in court and answer charges for illegally practicing his profession and selling drugs. There was no American consul there.

On the 7th of October, 1882, the American legation here requested the Earl of Dufferin, the English minister, to be good enough to take Dr. Kingsbury under his special protection.

Owing to the good offices of Mr. Lassales, the difficulty was happily terminated.

It is upon this and numerous other precedents of your uniform kindness that I rely for a similar kindly interposition on behalf of the worthy teachers and directors of the college at Harpoot.

I am, &c.,

S. S. COX.

[Inclosure 2 in No. 14.]

*Mr. White to Mr. Cox.*THERAPIA, *September 14, 1885.*

SIR: I had the honor to receive your letter of the 11th instant, in which you ask me to instruct Mr. Vice-Consul Bajadjoin to use his influence in assisting the directors of the American college at Harpoot in obtaining from the local authorities an answer to an application addressed to them by the Sublime Porte for certain information which is necessary before the permit for this college can be granted.

I have lost no time in addressing a dispatch to Mr. Vice-Consul Bajadjoin instructing him to use what influence he properly can in the sense of your wishes.

I have, &c.,

W. A. WHITE.

No. 666.

Mr. Cox to Mr. Bayard.

[Extract.]

No. 22.]

LEGATION OF THE UNITED STATES,
Constantinople, September 24, 1885. (Received October 12.)

SIR: Your dispatch No. 16, of August 29, refers to the proposed expulsion from Safed, Palestine, of two American citizens, viz, Louis Lubrowsky and his brother. They are Hebrews, but, as I took good care to ascertain authentically, they are American citizens.

Before my audience, I was called on to advise with Mr. Heap, the consul-general, as to this very case. My first concern was the ascertainment of their citizenship. After that, as the inclosures will satisfy you, we were not derelict in anticipating, as it were, your stringent instructions for the protection and vindication of American citizenship in this case.

The arrest, or rather the bond required of these brothers, was not because they were guilty of crime or otherwise amenable to Turkish law. The simple question and response was, "Are they not Jews? If so, they must go." We said, "No! unless by superior force." The telegram we sent made this our conclusion plain. * * *

No more is heard of the case. That signifies a suspension of the attempt to expel.

* * * * *

I inclose to you the dispatch of Mr. Heap, which is a résumé of this business.

I have, &c.,

S. S. COX.

[Inclosure 1 in No. 22—Extract.]

Mr. Heap to Mr. Cox.

CONSULATE-GENERAL OF THE UNITED STATES,
Constantinople, September 21, 1885.

SIR: Referring to my communications to Mr. Emmet, dated the 22d of July and 3d ultimo, relative to the arbitrary order of the authorities of Syria to expel two American citizens residing at Safed, in Palestine, solely on account of their religion, I have the honor to submit, in compliance with your verbal request, a copy of all the correspondence that has passed between this consulate and that at Beirut in relation to this affair since the date of my dispatch of the 3d ultimo to the late chargé d'affaires *ad interim*.

With your approval I instructed Mr. Robeson on the 6th of August to protest against the expulsion of American citizens on account of their religious belief, and qualified the order as an act not only contrary to humanity and justice but in violation of treaty stipulations, and that the American Government would not view it with indifference.

I telegraphed again, with your consent, on the 18th of August and requested Mr. Robeson to instruct the Messrs. Lubrowsky to yield only to force, so as to leave the entire responsibility of this illegal act to the Turkish authorities.

* * * * *

Should the authorities of Syria have concluded to desist from the execution of their threat to imprison the Lubrowsky brothers unless they left the country there will only remain the obtaining of their release from the bond they were required to give to leave the country in ten days or obtain a special license to remain, and the repayment of the money extorted from one of them on his arrival by a policeman.

In all this transaction Mr. Robeson has acted with good judgment, discretion, and firmness.

I am, &c.,

G. H. HEAP,
Consul-General.

[Inclosure 2 in No. 22.]

Mr. Heap to Mr. Robeson.

CONSULATE-GENERAL OF THE UNITED STATES,
Constantinople, August 6, 1885.

SIR: I received on the 30th ultimo a telegram relative to the expulsion of American citizens from Syria by order of the local authorities, without process of law or even charge of crime or misdemeanor. In answer to this telegram I telegraphed to you to-day as follows:

"I confirm my telegram of 31st July and now instruct you to make an energetic protest against the expulsion of American citizens on account of their religious belief. This act of the authorities of Syria is as contrary to humanity and justice as it is to treaty stipulations and the ancient capitulations, and will not be viewed with indifference by the American Government."

I telegraphed to you on the 31st July in answer to a telegram received from you on the 30th, instructing you as follows:

"If Lubrowsky brothers are American citizens declare that they are under American protection, and that their expulsion without due process of law and conviction of crime or misdemeanor would be illegal and in violation of international comity, treaties, and capitulations. Porte will be asked to arrest action of provincial authorities."

You will please institute immediate inquiry into the cause of the delay in the transmission of your telegram of the 30th July, received yesterday afternoon.

My instructions by telegraph are so comprehensive that it is unnecessary for me to say more at present.

I am, &c.,

G. H. HEAP,
Consul-General.

[Inclosure 3 in No. 22.]

Mr. Robeson to Mr. Heap.

CONSULATE OF THE UNITED STATES,
Beirut, August 6, 1885.

SIR: I have the honor to acknowledge the receipt of your dispatch, dated July 23, relative to the order of the Turkish authorities of Safed to expel Mr. Louis Lubrowsky and brother American citizens residing at that place. In answer, I beg to inform you that I have asked Mr. Schumacher, United States consular agent at Haifa, to furnish me, for the United States consulate-general, with the passports, &c., of said persons, and as soon as I have received the same I will transmit them to you.

I have, &c.,

JOHN T. ROBESON,
Consul.

[Inclosure 4 in No. 22.—Telegram.]

Mr. Robeson to Mr. Heap.

BEIRUT, August 7, 1885.

Your telegram, received several days ago, was lodged by me with Vali, and by Schumacher with Mutassarif of Acca, against the expulsion of or illegal interference with American citizens at Safed, or elsewhere in Syria, by Turkish authorities. Particulars by mail.

ROBESON.

[Inclosure 5 in No. 22.]

Mr. Robeson to Mr. Heap.

CONSULATE OF THE UNITED STATES,
Beirut, August 7, 1885.

SIR: I have the honor to acknowledge the receipt of your telegram of the 31st ultimo, also your telegram of yesterday, as follows:

"I confirm my telegram of 31st July, and now instruct you to make an energetic protest against the expulsion of American citizens on account of their religious belief. This act of the authorities of Syria is as contrary to humanity and justice as it is to treaty stipulations and the ancient capitulations, and will not be viewed with indifference by the American Government."

On the 30th July, I received a telegram from Mr. Schumacher, United States consular agent at Haifa, informing me that an order had been received by the governor of Acca from Constantinople to expel the American Jews residing at Safed. I telegraphed to Mr. Schumacher immediately to protest strongly against such illegal proceedings, and beg to inclose herewith a copy of Mr. Schumacher's protest, addressed to the governor (with translation), at which protest the governor expressed his indignation when the same was handed him. On the 1st August, I also addressed a protest to the Vali of Syria, to which no answer has been received at this consulate. As mentioned in my dispatch to you of August 6, 1885, I have asked Mr. Schumacher to furnish me immediately with the proofs of Mr. Louis Lubrowsky and brother's American citizenship.

I am, &c.,

JOHN T. ROBESON,
United States Consul.

[Inclosure 6 in No. 22.—Translation.]

Mr. Schumacker to the mutassarif of Acca.

CONSULAR AGENCY OF THE UNITED STATES,
Haifa, July 31, 1885.

EXCELLENCY: I have the honor to acknowledge the receipt of your letter dated the 16th July, in which you inform me that according to orders received from Constantinople you have instructed the kaimahan of Safed to exile the American Jews residing there.

In answer I beg to state that a Jew, if once a citizen of the United States, enjoys the same rights as the believer in any other religion, and I therefore energetically protest against any such action of your excellency as above mentioned, which is a violation of the treaty between the Sublime Porte and the United States, which treaty allows citizens of both respective powers to reside untroubled in either of the countries, and leave the execution of the orders you mention to the entire responsibility of your excellency.

I am, &c.,

J. SCHUMACKER,
United States Consular Agent.

[Inclosure 7 in No. 22.]

Mr. Robeson to the governor-general of Syria.

CONSULATE OF THE UNITED STATES,
Beirut, August 1, 1885.

HIGHNESS: I hasten to inform your highness that I have received information that the Mutassarif of Acca, in obedience to instructions received, has ordered the kaimahan of Safed to expel the American citizens residing there, who I understand to be Louis Lu-

browsky and brother. These gentlemen are citizens of the United States and are entitled to the protection of the American Government, and I declare their expulsion without due process of law, conviction of crime, or misdemeanor to be illegal and in violation of international courtesy and treaty stipulations existing between the United States and the Sublime Porte.

I protest against any American citizen being illegally molested or interfered with by the Turkish authorities.

I request your highness to arrest all proceedings against the gentlemen referred to, and please let me know at your earliest convenience what course your highness has deemed proper to take in this important matter.

I improve, &c.,

JOHN T. ROBESON,
Consul.

[Inclosure 8 in No. 22.]

Mr. Robeson to Mr. Heap.

CONSULATE OF THE UNITED STATES,
Beirut, August 14, 1885.

SIR: I have the honor to acknowledge the receipt of your dispatch, dated August 3, inclosing a copy of a dispatch of July 22, addressed by you to W. C. Emmet, esq., United States chargé d'affaires at Constantinople. Your dispatch and inclosure refer to the order to expel Louis and Jacob Lubrowsky, American citizens residing at Safed, which order evidently was based on the ground that the Lubrowsky brothers are Jews.

In answer I beg to thank you for the energetic manner in which you have taken up the case of these American Jews, and I hope you may succeed in getting the Porte to recognize these people as American citizens in the full sense of the word; also in having the Turkish authorities at Safed give up their bond and to return the money taken from Jacob Lubrowsky by the police.

To-day I have received the passports of Jacob and Louis Lubrowsky (and telegraphed you to that effect), which I beg to inclose herewith, and as soon as their naturalization papers are received I will transmit them if you desire the same.

The Vali has paid no attention to my protest in the matter.

Mr. Schumacker, the United States consular agent at Haifa, writes that he has not been able to hear anything from either Jacob or Louis Lubrowsky for some days. Safed is about two and one-half days on horseback from Haifa, and is said to be a rough and dangerous country to travel in.

I am, &c.,

JOHN T. ROBESON,
Consul.

[Inclosure 9 in No. 22.]

Mr. Heap to Mr. Robeson.

CONSULATE-GENERAL OF THE UNITED STATES,
Constantinople, August 19, 1885.

SIR: I telegraphed you yesterday as follows: "Dispatch received. You will instruct the Lubrowsky brothers not to yield to order of expulsion unless force is employed. The responsibility of expelling American citizens from Ottoman territory on account of their religion and using force must rest with the Ottoman authorities;" and have just received your answer informing me that, owing to ill-treatment and sickness, Jacob Lubrowsky has returned to America.

Should recourse be had to force to expel Louis Lubrowsky from Safed, you will please general against this illegal exercise of power, and report the case to the Department of State with copies of all the documents bearing upon it.

I am, &c.,

G. H. HEAP,
Consul-General.

[Inclosure 10 in No. 22.—Extract.]

*Mr. Heap to Mr. Robeson.*CONSULATE-GENERAL OF THE UNITED STATES,
Constantinople, September 1, 1885.

SIR: * * * I have nothing further to say relative to the threatened expulsion by the local authorities of Lubrowsky brothers, pending information from you whether the order has been executed, withdrawn, or allowed to fall in abeyance.

I am, &c.,

G. H. HEAP,
Consul-General.

No. 667.

Mr. Bayard to Mr. Cox.

No. 27.]

DEPARTMENT OF STATE,
Washington, October 8, 1885.

SIR: I have to acknowledge the receipt of your No. 14, of the 18th ultimo, and commend your course in committing the protection of American interests at Harpoot, where this Government has no consular representative, to the care of the English vice-consul there, which you have been enabled to do through the kindness of Sir William A. White, Her Britannic Majesty's minister at Constantinople. You will convey a suitable expression of the thanks of this Government to Sir William for his much appreciated courtesy, which adds but another proof of the uniform kindness of Her Majesty's diplomatic and consular authorities in Turkey under similar circumstances.

I shall also direct Mr. Phelps, the United States minister at London, to acquaint the foreign office of your request, and of the pleasure which Sir William A. White's ready compliance therewith has given.

I am, &c.,

T. F. BAYARD.

No. 668.

Mr. Cox to Mr. Bayard.

[Extract.]

No. 25.]

LEGATION OF THE UNITED STATES,
Constantinople, October 10, 1885. (Received October 26.)

SIR: Upon April 9, 1885, General Wallace, in his No. 491, reported the adverse decision of the Government of Turkey to the claims for indemnity for the assault upon Rev. Drs. Knapp and Reynolds, and Maurice Pflaum, M. D.

On the 17th August ultimo, in instruction No. 10, you advised me to pursue the claims for pecuniary indemnity. Your letter was quite imperative. It was what it ought to have been. The reply of the minister of foreign affairs you summarized. You declined to accept his reply as either final or satisfactory. Thereupon I made a study of the

cases, reading up and noting all the points in each from our imperfect records; and I wrote to the minister *ad interim* the inclosed dispatch.

You observe that I have made your non-acceptance of the minister's reply the basis of the renewed application, copying proper parts of your instruction for the reopening of the cases; only as yet the reopening.

* * * I am now awaiting the appearance and action of a new minister, Said Pasha, minister at Berlin. He will come to the foreign affairs office here with a reputation for sense and liberality, and for special knowledge and judgment in affairs of this very nature. Therefore I do not press the matter overmuch as yet. In this I have the concurrence of the Bible-house people and missionaries.

* * * * *

I have, &c.,

S. S. COX.

[Inclosure in No. 25.]

Mr. Cox to the minister of foreign affairs ad interim.

LEGATION OF THE UNITED STATES,
Constantinople, September 28, 1885.

EXCELLENCY: The inclosure is an extract from the letter of the Hon. T. F. Bayard, Secretary of State. It pertains to a question which has been unduly vexed. A new administration has supervened in my country; a new President has been elected; a new cabinet have been installed; a new condition also obtains here; so that we may reopen these matters without prejudice.

The tenets of religious freedom of our new order are not unlike those of the great men of your race who have tolerated differences of faith.

It was one of the sentiments which led me here, viz, that this land, so often impugned, had been gracious toward religions of differing ceremony and thought. I had read its history and believed in its ultimate and liberal justice.

When, therefore, such a stringent letter came as this I inclose, which looked to the embarrassment if not unhappiness of my service here, I had either to blame my predecessor (which would have been discourteous) for his lack of suavity, or to blame the Turkish Government for its insensibility to an unredressed crime. There is no real remedy on the proposition allowing us to sue your magistrates, because they have prejudiced by their irregularity the cases referred to.

The Secretary of State advises me that he will not accept this reply as final or satisfactory.

The question, then, is, before we discuss the merits of the case will you review the cases? If not, my duty is plain. It is only to report that fact to my Government. I have avoided making this question for almost a month, for I knew you were preoccupied with other troubles, in which you have the sympathy of a great people, quite aloof from you in every way, except in sympathy.

The answer to this dispatch will be simply regarding the reopening of the cases referred to, with a view to pecuniary remedy.

I avail, &c.

S. S. COX.

P. S.—For full particulars of the above cases I refer to dispatch of my predecessor No. 198, January 24, 1884, and other dispatches in your archives. May I add the letter of Mr. Cole, which is a painful commentary on this delay and denial of justice and reward of the guilty by promotion in office? I earnestly entreat your attention to this extraordinary state of affairs. Evidenced by the inclosures: Extract and translation from instruction No. 10 of Hon. T. F. Bayard, Secretary of State, Washington, in reference to the Knapp, Reynolds, and Pflaum assault cases; and letter of R. M. Cole, and translation.

No. 669.

Mr. Cox to Mr. Bayard.

[Extract.]

No. 26.]

LEGATION OF THE UNITED STATES,
Constantinople, October 13, 1885. (Received October 27.)

SIR: I have the honor to transmit to you a copy and translation of a dispatch received from the new minister for foreign affairs *ad interim*, Aarifi Pasha.

It expresses a desire to renew the tariff conferences. As the tariff discussion is of much importance and has been conducted at the request of the Department of State by the consul-general, Mr. G. H. Heap (for reasons which will occur to you), and as it was suspended suddenly, without result or effect, I do not feel authorized to renew the negotiations without the special direction of the present administration of our Government. Such direction should name the delegate also.

It may be inferred that unless we engage in this negotiation we may be at the mercy of any tariff which the Ottoman Government may impose. * * * If we negotiate in good faith it is not probable that our country will be at any disadvantage in respect to importations to which other countries are not subject.

It will be observed that the dispatch of Aarifi Pasha refers incidentally to the making of a "commercial treaty." No "commercial treaty" was in contemplation or in debate when the tariff discussions were going on; but would it not be wise to discuss such a treaty along with a new tariff?

* * * * *

As the initiative step for all treaties must come from the State Department, I await its directions, and have so said in my correspondence with the Ottoman Government, herein inclosed.

* * * * *

As Aarifi Pasha has since I began this dispatch been superseded as foreign minister, and as Said Pasha, recent minister to Berlin (a man of large and liberal views), has taken that post, of which I am to-day officially advised, and especially as our own Government has a new Administration and, perhaps, new policies as to economies, &c., I have thought it wise to await your instructions before touching the question of tariff or a commercial treaty.

* * * * *

I have, &c.,

S. S. COX.

[Inclosure 1 in No. 26—Translation.]

*Aarifi Pasha to Mr. Cox.*SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,
October 3, 1885.

Mr. ENVOY: By its verbal note of the 23d of February last, the Imperial ministry, in having the honor to inform the United States legation that the régime to which American commerce of importation is submitted, is actually identical to the one which regulates the products and merchandises of the other countries, requested it to kindly authorize Mr. Heap to place himself in communication with the delegates of the Imperial Government for the conclusion of the new tariff and the new treaty of commerce.

As, however, this request remained without effect, and on the other hand, the negotiations entered into with the delegates of the other states for the conclusion of the new tariff are terminated with some of them and far advanced with others, I beg of your excellency to kindly have Mr. Heap invited to enter as soon as possible in communication with the delegates of the Ottoman Government.

Accept, &c.,

A. AARIFI.

[Inclosure 2 in No. 26—Translation.]

Mr. Cox to Aarifi Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, October 9, 1885.

HIGHNESS: Your letter of October 3, 1885, invoking a renewal of the conferences with the authorities of the United States had upon the tariff regulations and for a commercial treaty, is received.

It is perhaps to be regretted that the former consultations were ineffectual, for since they occurred great changes have taken place in the administration of the Government I represent. A new administration, and perhaps with different economic ideas as to trade and commerce, has appeared. I am myself new to the situation. Therefore, I have consulted my Government before beginning any new conference. I have written to Washington for instructions (as I am not exactly sure that the instructions to my predecessor and the appointment of Mr. Heap as delegate will be repeated), so as to direct my own action. I will omit no reasonable exertion to make practical response to your suggestion. Trade is sensitive and business depends on the promptness as well as on the wisdom of negotiations.

May I say to you, highness, that I fail to observe in former conferences any discussion as to a commercial treaty, but no such treaty now exists between the Ottoman and United States Governments, and there should be one. I have asked for instructions as to that point also.

Accept, &c.,

S. S. COX.

No. 670.

Mr. Bayard to Mr. Cox.

No. 31.]

DEPARTMENT OF STATE,
Washington, October 15, 1885.

SIR: Your No. 22 of the 24th instant has been received, and the action of Mr. Heap, therein reported, in opposing the order of the Turkish authorities for the expulsion of the brothers Lubrowsky, American citizens, from Safed, in Palestine, solely because of their Semitic faith, meets with the approval of the Department as anticipating the instructions sent to you on the 29th of August last.

This Government cannot assent to any religious test being applied to citizens of the United States by any power whatever. No officer of the United States is constitutionally competent to admit the validity of such a test. Hence, Mr. Heap's telegraphic instructions to Mr. Robeson that the Lubrowsky brothers should not yield to the order of expulsion, unless force were employed, is approved as discreet and proper. It is hoped that your anticipations may be realized, and that, in view of the attitude taken by the legation, the matter may rest without further proceedings against the parties.

I am, &c.,

T. F. BAYARD.

No. 671.

Mr. Cox to Mr. Bayard.

No. 31.]

LEGATION OF THE UNITED STATES,
Constantinople, October 17, 1885. (Received November 2.)

SIR: I have the honor to inclose herewith a copy of the dispatch, with its accompanying papers, which I have sent to the Porte, in protest of certain school taxes levied on the island of Mytilene.

I hope it may meet with your concurrence.

I have, &c.,

S. S. COX.

[Inclosure 1 in No. 31.]

*Mr. Cox to Said Pasha.*LEGATION OF THE UNITED STATES,
Constantinople, October 17, 1885.

EXCELLENCY: I inclose for your observation a copy of a letter from the United States consul-general here, Mr. G. H. Heap; and also a copy of another letter to Mr. Heap from the United States consul at Smyrna.

These inclosures show a grave apprehension on the part of the consular agent of the United States at Mytilene, because of a peculiar circular of the governor of that island. That circular refers to the levying of a school tax upon the property of foreigners.

No one, whether foreigner or otherwise, whatever may be his abstract right in the premises as to taxation, objects to proper and legal provision for educational objects. Nor does it appear that the foreign residents of Mytilene have waived their right to object on principle to the payment of any school tax, but they do object, and I respectfully desire now, on behalf of Americans resident in Mytilene or elsewhere in Turkey, to protest against the levy of two separate and distinct school taxes, one by the central and the other by the communal or municipal government.

If it be said that the tax complained of has not yet been consummated by either the formal levy or its collection and payment, I respectfully answer that it is against the right to levy this double tax that we protest; for if it can be done in this form in one island it can be done anywhere in the Ottoman Empire, and if done by the municipal and central governments it can be done by other Turkish authorities, until the tax may be not only doubled but tripled or quadrupled.

I trust, excellency, that this protest will call attention to that which may grow into a precedent and thus produce added trouble in the future.

I take this opportunity, &c.,

S. S. COX.

[Inclosure 2 in No 31.]

*Mr. Heap to Mr. Cox.*CONSULATE-GENERAL OF THE UNITED STATES,
Constantinople, October 14, 1885.

SIR: I have the honor to inclose copy of a dispatch from Mr. Stevens, United States consul at Smyrna, No. 134, of the 5th instant, with two inclosures relating to the imposition of a double school tax—Government and municipal—on the property of foreigners at Mytilene.

As I have no information that any American citizens own real estate at Mytilene, I would respectfully suggest that the only notice necessary to be taken of this measure is the presentation of a protest at the Porte, to prevent the act of the governmental authorities of Mytilene, if carried into effect without opposition, from serving as a precedent for similar action in the other provinces of the empire.

I am, &c.,

G. H. HEAP.

[Inclosure 3 in No. 31.]

*Mr. Stevens to Mr. Heap.*CONSULATE OF THE UNITED STATES,
Smyrna, October 5, 1885.

SIR: I have the honor to transmit herewith copy of a communication just received from M. M. Fottion, our consular agent at Mytilene, inclosing copy of a circular issued by the governor of that island, both having reference to the levying of a school tax upon the property of foreigners, and to ask that you will lay them before the legation for such action, if any, as may be deemed advisable.

It would appear that the objection of foreign residents of Mytilene is not to the payment of a school tax levied either by the Ottoman Government or the local community, but to the payment of a double tax as now exacted, namely, one by the Government and one by the community. Heretofore, I believe, foreign residents in Mytilene were compelled to pay only a school tax imposed by the communities where their real estate was located.

I am, &c.,

W. E. STEVENS.

No. 672.

Mr. Cox to Mr. Bayard.

[Extract.]

No. 35.]

LEGATION OF THE UNITED STATES,
Constantinople, October 24, 1885. (Received November 10.)

SIR: Referring to your dispatch No. 289, addressed to Mr. Emmet, late chargé, in which you take exception to the ruling of the bureau of nationality in reference to the non-recognition of Messrs. Kevork Guligyan and Bedros Iskiyan, I have to report as follows:

In compliance with your instructions, Mr. Emmet entered a protest against the action taken by the bureau. I have the honor to inclose a copy thereof, as well as of the response thereto, with a translation. The latter will show you the view the Turkish authorities take of naturalization of Ottoman subjects, who have evaded or failed in full compliance with the law as laid down in their statutes. It is likewise a repetition of the dispatch forwarded by Mr. Emmet to the Department of State, No. 513, in which the question of naturalization was discussed with the then minister of foreign affairs and his decision fully set forth.

* * * * *

To one who has, in and out of Congress, regarded the fusion of various national stocks under one flag as an evidence of those attractive forces of our institutions which draw the emigrant to our shores; to one who believes with Lord Bacon that "all nations that are liberal of naturalization are fit for empire," these evidences of a lack of advancement are regrettable. In this age of locomotion they tend to impede adventure and progress. The United States has emancipated itself from feudalism; it has announced on these very Levantine shores, with no ambiguous voice, its principle as to the indefeasible right of emigration and expatriation; it has fixed it in treaties with other civilized and progressive nations. The doctrine is that no man can be bound in any service to a Government whose citizen or subject he has ceased to be by voluntary naturalization elsewhere. The old feudal doctrine was that no subject can go from the country where he was born or where he is without the consent of his lord and master, the Government.

How is it, then, with those who, on being naturalized with us, return to their original home, claiming to be American citizens under our protection? Our duty and practice are plain. He must, as a universal rule, exhibit an exemplified copy of the decree of the court adjudging him, as a citizen, under the seal and signature of the clerk or prothonotary. If the document be fraudulent on its face, or circumstances indicate that fraud has been committed in obtaining it, information to the State Department should at once set in motion the United States attorney for the district where the decree was procured, to apply to the same court to have it canceled.

I have little or no library or conveniences here for such discussions. I cannot quote precedents, and such is the condition of our archives here that I cannot even utilize those of our records. But our courts have held that a certificate of naturalization, like that of a judgment, imports absolute verity. It cannot be questioned except before or by the tribunal which made the record.

The Turkish minister asserts what I am not prepared to deny, that "Guligyan and Iskiyan did not exhibit to the bureau any document except the passport;" and he argues that such a paper does not constitute, of itself, a sufficient title or proof to enable a native Ottoman subject to acquire a foreign nationality.

Now, whether the passport has or has not the effect of the record of naturalization, I am not able to decide. I should rather regard it as of lesser dignity and vigor, inasmuch as the naturalization is supposed to be the judgment of a judicial tribunal upon proofs. Nevertheless, in your dispatch No. 289 of May 29, 1885, you say "that passports are issued by this Department to naturalized citizens upon the production of the certificate of naturalization." But does that imply that other Governments must regard the passport as absolutely verifying the citizenship?

All the Turkish bureau seems to want to know, as I surmise, is, the time of the emigration of the subject—*i. e.*, whether he left before 1869 without permission, or after 1869 with permission—to emigrate and be naturalized abroad. Since the passport does not show this, nor the certificate except by its date, inferentially, the authorities require the certificate of naturalization itself to be presented. But, as I understand your letter of 29th May (No. 289), you refuse to acknowledge the legal right of the Ottoman Government to make such a demand. In fine, you do not recognize the Turkish law of 1869 as affecting our naturalization.

Since the passport does not show when a naturalized citizen left the country of his birth, and need not show it, as you well say, the passport goes for nothing with the Turkish officials. It is the certificate they desire to see. Its "examination is indispensable." For what purpose? "To establish under what conditions the naturalization has been acquired." It holds that without its imperial authorization (under the law of 1869) "the naturalization is invalid, unless it took place within the legal forms." What legal forms? Not those prescribed by the United States laws, but within the legal forms of the Ottoman Empire, to wit, before the promulgation of article 5 of its law of 1869, forbidding Turkish subjects to leave the country without permission to become naturalized in another country.

Notwithstanding all we say, the fact remains that the Turkish bureau of nationality have determined, in spite of our protest through Mr. Emmet (No. 251), that the certificate itself must be presented in order to establish the nationality, which depends on the date of emigration ac-

according to their law. The Ottoman Government insists on going behind the record to give vigor to its own law, or, as you say, "participate in or make the naturalization of its subjects conditional, a doctrine which was never acknowledged by the United States, and probably never will be."

Whether American naturalized citizens, returning to their native country, should have all the advantages of the protection of the laws of that country, and, at the same time, claim our protection, in violation of such laws forbidding their expatriation under certain conditions, is a question not clearly raised as yet by this discussion. Nor do I know what is the status of these men now claiming citizenship of the United States; but when native Turks come here to live, and seek to acquire real estate under the "capitulations" and protocols, which enable all foreigners to hold such property here, then the question of citizenship is at once mooted, and not generally until then is the law of 1869 evoked as a touchstone of citizenship abroad.

* * * * *

I have made another respectful protest to the Turkish authorities. This you will see by a copy of my dispatch to Said Pasha herein inclosed.

* * * * *

Upon this question of citizenship, so often appearing for your solution, doubtless you have formulated certain instructions for every phase and emergency, including a statement of the virtue and cogency of the passport when presented as evidence of citizenship.

I forbear, therefore, to present to the Porte any definite conclusion. I await your instructions, and until they come no further steps will be taken, and so I have had the honor to inform his excellency the minister of foreign affairs.

I have, &c.,

S. S. COX.

[Inclosure 1 in No. 35.]

Mr. Emmet to Assim Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, July 6, 1885.

EXCELLENCY: I have the honor to inform your excellency that a dispatch under date of May 29, 1885, has been received from my Government, making complaint of the action taken by the bureau of nationality in declining "to certify to the American citizenship of Messrs. Kevork Guligyan and Bedros Iskiyan, on the ground that their passports did not show that they left the Ottoman Empire prior to the promulgation of the law of 1869, forbidding Turkish subjects to leave the country without permission to become naturalized in another country."

In accordance with instructions from my Government, I hereby enter a solemn protest against the action taken by the bureau of nationality, and request that the same be modified and corrected so far as the interests of the above-named persons are affected.

Persons applying for passports in the United States are obliged to produce documentary evidence of their naturalization, and in order to obtain such evidence they must have been residents of the country for at least five years, and declared their intention to become a citizen; but an American passport never sets forth these details, and consequently those presented for certification and held by the parties hereinbefore named are not defective in form.

In seeking the redress for these American citizens, I have the honor to ask your excellency's most favorable construction of the rules appertaining to naturalization, and likewise to have your views upon the interpretation of the Turkish law, which may serve as a guide in future for cases of a similar nature.

I take this opportunity, &c.,

WM. C. EMMET,
Chargé d'Affaires ad interim.

[Inclosure 2 in No. 35.—Translation.]

Said Pasha to Mr. Cox.

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,
October 15, 1885.

Mr. ENVOY: The Imperial ministry has received the dispatch that the legation of the United States of America was pleased to address to it, dated the 15th of July last, No. 251, relative to the naturalization of Kevork Guligyan and Bedros Iskiyan.

The competent bureau of my department, after having taken cognizance of this document, remarks that the claims of the persons in question could not be admitted, inasmuch as they have exhibited no document in support of them except a simple passport. Now, such a document is not of itself sufficient to give a native Ottoman subject a foreign nationality.

The examination of the certificate of naturalization delivered by the foreign Government is indispensable. In fact, it is important to establish under what condition the naturalization has been acquired, for no naturalization obtained without the authorization of the Imperial Government is valid unless it took place in legal form before the promulgation of the law on Ottoman nationality, and any naturalization subsequent to this law is considered as being null, if the formalities prescribed in article 5 are not fulfilled.

This is, in a general way, the line of proceeding followed for the verification of nationalities, and the competent bureau cannot depart from it in the special case of the two aforementioned persons.

I am persuaded that your excellency, after having taken cognizance of the preceding remarks, will be pleased to acknowledge, in your high sense of justice, that there has been nothing irregular in the action of the bureau of nationalities.

I have, &c.,

SAID.

[Inclosure 3 in No. 35.]

Mr. Cox to Said Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, October 22, 1885.

EXCELLENCY: I have the honor to acknowledge the receipt of your dispatch of the 15th instant, Nos. 80363, 12. It presents the decision of the bureau of nationalities declining again to certify to the American citizenship of Kevork Guligyan and of Bedros Iskiyan. They claimed to be American citizens. This may or may not be fully authenticated by the passport of the Department of State, although a passport is never issued without the production of the record of naturalization. Whether the passport has the effectual quality which my Government asserts for the certificate itself, I do not now discuss. The fact remains that your bureau declines to recognize the citizenship of these men for reasons unsatisfactory to my Government, and against which I am instructed to protest.

Whether or not they presented to the bureau their passport only, your dispatch goes to the point of questioning their certificate of naturalization, when completely exemplified as the decree of a court of record. To be sure, our Government has no naturalization treaty with the Ottoman Government, as it has with Great Britain and other powers; but with or without such a treaty, its principles are fortified and settled. As expounded by Mr. Secretary Seward, in his instructions to an American minister to England, on the 23d of September, 1868, these principles are:

“That it is the right of every human being, who is neither convicted nor accused of crime, to renounce his home and native allegiance and seek a new home and transfer his allegiance to any other nation that he may choose; and that, having made and perfected his choice in good faith and still adhering to it in good faith, he shall be entitled, from his new sovereign, to the same protection, under the law of nations, that that sovereign lawfully extends to his native subjects or citizens.”

Afterwards, in framing the treaty with Great Britain, it was agreed by both the powers that the old doctrine that allegiance was due to the soil upon which a man is born should be abandoned; and that any man may change his nationality to better his condition. I may say that, as my country is the result of immigration, which has been greatly increased by facilities of naturalization (and, indeed, all countries are, to a great extent, the result of the locomotion of men and nations), there is for us a significance in the doctrine which places the matter of protection and alle-

giance above all others in importance, and which your excellency, with your well-known large and liberal view of human society, will at once appreciate.

But since there is this contrariety of view, may I respectfully request that the matter may be allowed to rest until I hear again from Mr. Bayard, the Secretary of State? I have sent him a copy of the dispatch of your excellency.

Accept, &c.,

S. S. COX.

No. 673.

Mr. Bayard to Mr. Cox.

No. 36.]

DEPARTMENT OF STATE,
Washington, October 28, 1885.

SIR: Your dispatch No. 26, of the 13th instant, in regard to the resumption of tariff conferences with the Porte, is received.

In view of the friendly disposition in the premises on the part of the Turkish minister of foreign affairs and the grand vizier, as described in Mr. Wallace's No. 466 of the 25th January last, and as the accession of a new and, as you say, liberal-minded minister of foreign affairs seems to afford a favorable opportunity for a renewal of the negotiations relative to a new tariff on the part of Turkey, and eventually, if possible, a commercial treaty, Mr. Heap is hereby authorized to take part in any conferences for that purpose under your general supervision.

This Department, though not fully admitting that the Turkish Government gave due notice of the abrogation of the treaty of 1862, nevertheless is disposed to waive that point and to participate with the other treaty powers in the conferences on the tariff revision on the basis of the most-favored-nation privileges being granted to the United States in any new agreements, as were in fact conceded by the treaty of 1830.

If new instructions for Mr. Heap should be necessary, as seems to be implied by his dispatch to you of the 10th instant, they should, as he suggests, correspond with those given to the delegates of the other nations, making no allusion to the treaty of 1862 as to a *revision* of tariff. By Mr. Wallace's No. 476 it appears that "the Austrian commercial treaty is now the only one with an undisputed future expiration," and that the Sublime Porte has declined to accede to the request of the Austrian ambassador that the rates applied to other nations may be extended to his. This circumstance will not probably, however, stand in the way of tariff negotiations with other nations, or in the drawing up of identical commercial treaties, as is reported by Mr. Wallace in his No. 466 to be the desire of the Turkish Government. It is desirable that you should obtain and transmit to the Department a copy of the draft of any such treaty which may have been prepared by the council of ministers as intimated by the late minister of foreign affairs to Mr. Wallace. It is presumed that Mr. Heap has followed out his own suggestion of making a valuation of the articles of importation and a comparison of the same with those charged on them as a basis of agreement concerning the rates of duty to be charged. Mr. Heap appears to indicate in a general way within what limits the new rates will range.

It is intended that these instructions should enable you to appoint Mr. Heap as delegate from the United States for conference with the delegates of the Ottoman Government and those of other nations with a view to a new commercial tariff.

I am, &c.,

T. F. BAYARD.

No. 674.

Mr. Cox to Mr. Bayard.

No. 44.]

LEGATION OF THE UNITED STATES,
Constantinople, November 3, 1885. (Received November 16.)

SIR: Your dispatch No. 31, dated October 15, is at hand, and in answer thereto I have the honor to state that no further information has reached this legation in reference to the expulsion of the Lubrowsky brothers from Palestine, on account of their religious belief.

Owing to the prompt action of Mr. Heap, which you commend, I trust that this particular case is concluded, and hope that no more cases of the kind may call for our action.

I have, &c.,

S. S. COX.

No. 675.

Mr. Bayard to Mr. Cox.

No. 44.]

DEPARTMENT OF STATE,
Washington, November 11, 1885.

SIR: Your No. 31, of the 17th ultimo, relative to a dispatch of our consular agent at Mytilene, transmitting to our consul at Smyrna the protest of foreigners in Mytilene against a decree of the governor of that island levying a tax on foreigners for the local public schools, is received.

As Mr. Fottion's dispatch is not among your inclosures, it can only be inferred from Mr. Stevens's dispatch of the 5th ultimo, Mr. Heap's of the 14th ultimo (which you inclose), and your note to the Imperial minister for foreign affairs, that there is no protest against this school tax on the part of American residents in Mytilene, as Mr. Heap says he has no information that any Americans own real estate there, but that Mr. Fottion's appeal to the consul is a general one in the interests of foreign residents on account of two school taxes ordered, respectively, by the central and by the communal or municipal governments. If this is so it would go to prove that there was no discrimination shown against American residents, even supposing, as does not appear from the correspondence, that they would, not owning real estate there, be taxed at all, unless this is an income tax, which is not stated.

On general principles it is safer not to protest against local ordinances until at any rate the rights of American citizens appear to be specifically invaded, so as to cause complaints from them; and for the views of this Department on the general subject of the taxation of our citizens abroad I would refer you to the Hon. Hamilton Fish's instruction, No. 29, of the 21st of November, 1874, to our minister at Berlin. The ground is there taken that as long as a tax is uniform in its operation, and can fairly be considered a tax and not a confiscation or unfair imposition, no successful representation can be made to a foreign Government on behalf of the parties complaining, and that complaints of excessive taxation are more properly questions for submission to local courts.

The fact that part of the tax goes to local and part to Imperial schools would seem to afford no additional ground for objection.

A Government has a perfect right to say, "We will establish and raise taxes for certain central universities, which are for the benefit of

the whole land, while local and primary schools are to be established and taxed for by municipalities." This in analogous matters is the constant practice in the United States.

Unless, therefore, there are other points in the case not clearly understood by the Department, I must consider your note to the foreign office protesting so strongly against the tax as premature, and you are requested to transmit the minister's reply to it as soon as received to the Department, before having further correspondence with the foreign office on the subject.

I am, &c.,

T. F. BAYARD.

No. 676.

Mr. Cox to Mr. Bayard.

[Extract.]

No. 55.] LEGATION OF THE UNITED STATES,
Constantinople, November 14, 1885. (Received November 30.)

SIR: The most important dispatch which has been transmitted to me since my arrival is your No. 9, dated August 17, 1885. It inclosed a copy of an elaborate letter from the secretary of the Board of Commissioners for Foreign Missions at Boston, Mass., and a copy of your reply.

It referred generally to the most important class of questions arising here. They concern teachers, missionaries, and their investments. They urge protection, security, and redress to our countrymen who abide in Turkey and "observe its laws." They particularly refer to certain cases with which I am familiar.

I have obtained all the information I could about this class, and have persistently made request for the opening of the cases of Knapp, Reynolds, and Pflaum, with a view to a demand for pecuniary indemnity.

* * * * * *

In your letter to Rev. N. G. Clark, secretary of the Board of Commissioners, you did not countenance such an ultimatum for "damages arising from the misconduct of agents acting out of the range not only of their real but of their apparent authority." You regarded such a case as a "moral default," for which reparation should be tendered to the injured party.

In the letter of Rev. N. G. Clark, secretary, reference was made, in no stinted language, (1) to the restrictions of the Turkish Government upon the distributions and sale of publications, &c.; (2) to the withholding of the usual permits for the erection of school buildings, &c.; (3) the lack of security for the lives and property of missionaries, and especially those of the interior, &c.

* * * * * *

You left much to my discretion, besides giving me definite limitations upon that discretion. In the absence of any mode by which redress can be enforced, all that can be done is to persuade, remonstrate, and urge personally and by letter these various grievances upon the attention of the ministers of the Porte.

Another obstacle to an understanding of these matters is the entire change of the ministry since your dispatch No. 9 was received. As you desired to be informed from time to time of the progress made in

these matters, so as to advise me in the premises, and as you requested me to "ask such special instructions as I might think needful," I have the honor to present an interlocutory report of the situation as it exists to-day, and to solicit your judgment as to what further urgency to make.

(1) As to the first—restriction against the sale of publications—I have the honor to observe that the question is not new. Particular cases have occurred frequently and remonstrances as frequent. The records of the Department show or should show this fact.

Under the advice of the agents of the Bible Society here, we postponed the presentation of special cases until the advent of the new minister of public instruction, Munif Pasha. He had achieved a reputation, when once before in this office, of liberality and intelligence toward our schools and missions. On his taking office I at once attempted to pay my respects to him. He was absent at the conference of the Ottoman ministers on the paramount question of East Roumelia. Last week he returned the call. We had quite a satisfactory interview, during which I referred to the magnitude and permanency of the educational and missionary operations of the American societies and our other chartered organizations in the Turkish Empire, with their 25,170 pupils, their 50,000 attendants upon religious service, their 150,000 average sale of Scriptures, religious books, tracts, &c.; their manufactories of books, newspapers, &c., with an annual expenditure of \$360,000, and having a capitalized investment at 3 per cent. of \$12,000,000, and paying their taxes, and giving steady employment to natives and aliens, with a real and personal property of \$1,000,000. Whether these facts tend to astonish or frighten the authorities here by the immensity of this benevolent American movement, they certainly demand in a corresponding degree great vigilance and protective care. They should not be the target for the aggressive fire of the Turkish Government.

Thrice this minister, Munif Pasha, had fixed upon a time to give us a decision as to the sale of books and the permits for and protection of the schools and colleges, but the matter was postponed. At last, on the 10th instant, our dragoman called to obtain some satisfaction on these points.

On the colporteur matter the minister said that he could not then dispose of it, as some instructions on that matter had been transmitted to him from the Sublime Porte, but he thought it would facilitate its solution if it were presented to the minister of foreign affairs in a formal way. What this meant I could not conjecture. Thereupon I addressed to his excellency Saïd Pasha, the foreign minister, the letter, a copy of which is inclosed. It is intended to ascertain from him what the obstacles contained in the instructions were, and what the law authorizing the inhibition of these sales, if any; and if no such law exists, then to request that the obstacles be at once removed and that the sales may go on as heretofore. I fear that we shall have little or no satisfaction in this regard, as other language used by the minister indicated that he believed that the colporteurs were propagandists of the Christian religion, and that as Turks only sell their books to Turks, and as they are in their own land, the same rule does not apply to these American publications.

If an answer to my letter is received before this dispatch goes, on Saturday, I will inclose a copy.

It may be said, however, in this connection that the suggestion of Rev. Mr. Clark in his letter above referred to, that other nationalities here have immunity in the sale of their publications, which is not ac-

corded to our missionaries, is hardly borne out by the facts. Let me quote what he says:

Hence, restrictions have been laid upon us in many ways, and the protection and the privileges granted to other nationalities are no longer accorded to us as in former years.

A portion of this statement is not, so far as I can learn, exactly correct, as no other nationality is granted this protection and these privileges, among which is the sale of publications. This is my present belief.

(2) As to the permits for schools, colleges, &c. It may please you to recall the case at Harpoot, where the school was threatened with being closed, because of the lack of a permit. That school began a score and more of years ago—a long time before the law existed requiring a permit. It has run without objection. A permit was applied for when the law was made.

Correspondence ensued between the opposing local authorities and the central and controlling authority here as to the propriety of granting a permit. The local authority pretended to await action here, and *vice versa*. This is the case where I asked the British minister to request the British vice-consul, then in the vicinity of Harpoot, to intervene to prevent the closing of the school. You will remember that the British minister did so; but the request came too late, as the vice-consul had left the vicinity of Harpoot. Still he wrote, promising what help he could give. In this emergency the missionaries here requested my action. This action was promptly taken.

The minister of public instruction has apparently done better than I expected or requested. He has agreed to forward a general order to all the places where such schools are in existence, directing the governors to refrain from closing American schools where a request for the regular permit has been made by the principal of these institutions. He also promises to take the necessary steps to furnish the permit to them as soon as possible. If this promise be kept, it will be a great gain in this direction, for it assures not only the continued existence of the schools now open, but a permit for the establishment of new schools.

(3) As to the outrages upon citizens, teachers, missionaries, &c. This is the troublesome question. General Wallace wrestled with it in the case of Knapp, Reynolds, and Pflaum. * * * *

Your dispatch on this matter was more imperative than any dispatch which General Wallace received. It was justly so. I could not fail but catch its spirit, and in presenting your points, or such of them as were proper to be sent to the foreign minister.

* * * * *

What called for additional indignation was a fresh and new outrage. It appeared in the unchallenged statement from Bitlis * * * that instead of punishing Moussa Bey, * * * he was made caimacam, or local governor of the sandjak or sub-province where the assault and robbery were committed. This was made known to the authorities here and was recounted in my dispatch to you.

The new minister of foreign affairs has not yet replied to my letter. * * * I only asked in it the privilege of reopening the cases, and presenting them for pecuniary compensation. I asked no other remedy. No other remedy will likely ever be given, and no other remedy will be of any avail to assure future protection to our people. However, I learn that this matter of Moussa Bey has been referred by the minister

of foreign affairs to the legal adviser of that department to make a report.

This report, as is alleged, was delayed by not being translated out of French into Turkish. The tenor of it, however, as near as I can gather, is, or may be, to advise a trial to bring Moussa Bey and his accomplices to justice. * * * I believe such a trial would not eventuate in the conviction of the malefactors, or in their being mulcted in a fine and imprisonment if convicted. * * * If the trial were ordered and took place, no advocates for the prosecution would really be there to scrutinize the proceedings. It is not certain that the aggrieved parties would be there to testify. One of them, Mr. Knapp, is now in America. We have no consul in Asia Minor to attend and see that the trial is fair, as was the case with the assailant of Colonel Everett, the British consul at Erzeroom, the other week, when the robber and assassin was convicted. No dragoman from our legation or consulate would be there, unless ordered to go from here or from Smyrna on the special mission.

There is only one adequate remedy and measure to assure future security, and that is pecuniary compensation, to which should be added a fair and speedy trial and punishment on conviction, superadded to the disgrace and dismissal from office of the chief offender.

In order to discriminate properly and justly as to the grievances of which complaint is made by the Rev. Mr. Clark in his memorial to the President, which you inclosed in your dispatch No. 9, I beg respectfully to say that his statement as to one point is to be accepted with much qualification. That statement is this:

Mr. Knapp, some twenty years ago, purchased of the Turkish Government a house in Bitlis, but of late the order has been given, first through local courts and afterwards confirmed by the authorities at Constantinople, that he give up his house to one who comes forward as a claimant of the property, and not only give up the house with all the improvements made on it, but pay twenty years' rent thereon. This is in a city in which the American name has been so discredited by failure to secure the proper punishment of Moussa Bey, the principal man involved in the outrage upon the persons of Messrs. Knapp and Reynolds.

I have no doubt that Mr. Clark's complaint is right.

But what is the legation to do in the presence of a question as to real estate? Such a question comes under the protocol. * * * This protocol regarding real estate places foreigners under the Turkish jurisdiction, and the interference of the legation is, by virtue of its terms, promptly rejected by the Turkish authorities.

Still, it must be said that but for the energetic exertion of this legation Mr. Knapp's house would long ago have been confiscated. Although the matter is not yet finished, there is a reasonable expectation that his house will be saved to him. As to the payment of twenty years' rent, this question not being a real estate question, this legation will see that all possible assistance is granted him when he is called upon for payment.

A review of another case of atrocity may aid you to give me those special instructions which you desire me to ask. That other case was the robbery of Rev. J. F. Smith, of Marsovan, in the province of Sivas, while journeying with his little son of twelve years and Miss Wright, on the road to Mardin, in June last. They were attacked by four mounted Circassians and ruthlessly assaulted and robbed, and almost in the presence of the police. True, the arrests were made of the criminals, but the property was not and is not restored, nor are the criminals tried or punished. No answer has been given to our representations. The local authorities are waiting the orders from Constantinople to punish the robbers. My representation was, of course, to the minister of

foreign affairs. He communicates to the minister of justice, while this officer likely communicates with the local authorities before he issues any orders.

In the case of Rev. Mr. Smith, I have taken the liberty of writing courteously again to the foreign minister. I respectfully requested from him a response to my former dispatch. I inclose a copy of this dispatch herein. In it I quote your own language. I can add nothing to it to give it more impressiveness. I have also referred briefly to an article in the London Times of November 4 to enforce my request.

* * * * *

In this dispatch I have also made a summary of the immense investments—monetary, mental, moral, and religious—which Americans have made within the Turkish dominions.

Since my presentation of these cases, Dr. Pflaum, who is an American, and now surgeon on an Egyptian vessel running to this port, has called to make anxious inquiries as to the indemnity in his case. It was an outrageous case. If the Porte should tender monetary compensation, I am satisfied it would not amount to what has been demanded; but this is in the distance, and the amount is not yet to be considered until some such tender is made.

This morning the consul-general, Mr. Heap, presents another case of unredressed outrage—that of an American citizen, Carapepari. He was raising a vessel at the Isle of Artaki, under contract, whereupon he was wrongfully accused of fishing with machinery for sponges, without license. In the most arbitrary way he was fined, and imprisoned twenty-three days. Finally his case comes here, and he with it. He, too, has had much trouble and no recompense. His case is in process of examination, as it is said, by the police here; but as to its settlement, judging by other cases, of what hope have we? None whatever, so long as such outrages as those referred to remain unredressed, and our American citizens are treated as without the pale, not only of this Government and society, but outside of the treaty stipulations made to protect them as such. * * *

These cases may give you an idea of the modes by which justice is vindicated here when Americans are the victims of injustice and violence.

You have said in your dispatch No. 9 of the 17th of August, that I should communicate freely with the Department on these subjects, and, while giving my own views as the result of the practical knowledge I may be able to obtain on the spot, ask such special instructions as I may think needful.

You further ask me for suggestions as to the method, up to all proper limits, of protecting American rights and interests in Turkey. You ask me, further, not to disguise from the Porte your sense of disappointment at the inadequacies of the protection accorded to law-abiding citizens of the United States in Turkey, &c. You may be assured that, at the risk of being too undisguisedly frank, I have represented the keenness and mortification of our disappointment in this regard and the sympathy of the multitudes in America in the noble “life-work” of our missionaries.

* * * * *

These breaches of good faith and treaty are not justifiable because of any alleged propagandism by our sects or religionists whose societies are under Turkish dominion. The work which is impeded is philanthropic. It is not done for lucrative reward; no attempt is made to force the Christian Scriptures or tracts upon the reluctant.

The "work" has grown to be large, because it has been regarded as safe, by the same guarantees and privileges granted to other nationalities. After wearisome delay and iteration after iteration of the facts and principles involved, no damages are allowed and no reparation made.

It is true that these benevolent men preach Christianity to those who voluntarily come to hear. They sell books to those who please to buy. Their object is not, as they claim, to proselyte. They desire men to conform their lives to a better standard. In this they do not infringe upon the decrees of this Empire so frequently upheld where the Greek, Armenian, and other churches are involved. To the end that the American churches and schools should be self-supporting, they have for sixty years exercised great tact in avoiding to give offense to the susceptibilities of others in their midst, and they confidently assert that never has one specific charge against the American missionaries or their employés for illegal or offensive conduct been made, much less sustained. Their conduct, both at the Robert College and elsewhere, may have been impugned at first as dangerous to Turkish society and the Mohammedan religion, but as time tested it the highest and best men of the Turkish administration have testified to the ennobling results which have been achieved here for civilization by our countrymen.

I have, &c.,

S. S. COX.

[Inclosure 1 in No. 55.]

Mr. Cox to Said Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, November 12, 1885.

EXCELLENCY: Believing that the anxieties with which your Government, and especially your office, is environed have somewhat abated, and observing in the London Times of the 5th of November a statement highly eulogistic of your excellency's prompt cognizance of unsettled affairs, especially with reference to the claims of British subjects, I am emboldened to ask your excellency to regard the unsettled affairs presented by this legation.

The cases of Dr. Pflaum and Messrs. Knapp and Reynolds have been long pending before you.

Another case of robbery under aggravating circumstances is that of Rev. J. F. Smith and his party by four mounted Circassians in the province of Sivas. It was presented to your predecessor on the 18th day of September last. The robbers were arrested, but there has been no punishment and no delivery of the stolen property so far as we know. The case depends on the action of the central Government here in Constantinople. Will your excellency have the kindness to give a response to my dispatch in that case?

Mr. Bayard, the Secretary of State, in reference to this class of cases has used such expressive language that I take the liberty of quoting it as the judgment of my Government. In a recent dispatch he says:

"You will not disguise from the Porte our sense of disappointment at the inadequacy of the protection accorded to law-abiding citizens of the United States in Turkey, and the bad impression which must be created from the continued failure to punish offenders whose identity has been amply established. The Turkish Government is no less concerned than ourselves in seeing to it that no imputation on its good faith shall be possible, and that no culprit shall be screened from the consequences of his acts."

There are other cases besides that of Rev. Mr. Smith, which I refrain from presenting now, not because they are insignificant, but because I desire to preserve the unity of these dispatches.

I may add incidentally for your general observation that the magnitude of American interests in Turkey calls for corresponding protection and security. These interests are summed up briefly thus: There are eleven different societies of American origin and charter in Turkey. The number of American missionaries, men and women,

is over 200. They are to be found at the most influential centers, from Macedonia to the borders of Persia in the east, and from the Black Sea on the north to Arabia on the south. Between three and four hundred towns are occupied by missionaries in person or by their agents. There are 1,049 Turkish subjects employed as assistants or agents. About 150 churches have been dedicated, with a large membership. Nearly a million of dollars is invested in educational and publication enterprises, including 8 institutions of college grade, attended by over 1,000 students, and from 75 to 80 high schools and seminaries, with some 2,500 pupils.

Not far from two hundred millions of pages of works for educational purposes have been issued from the press in six different languages. The American Bible Society has large investments at Constantinople and Beirut in electrotypes plates, printed books and sheets, and electrotypes apparatus. Their value is not far from \$125,000. At these two points it manufactures not far from 50,000 volumes a year in Turkish, Armenian, and other languages used in the Turkish Empire. Besides the property of the Bible Society the trustees of the Bible House have a building at Constantinople, with the land on which it stands. They cost not far from \$80,000.

The annual expenditures of the societies within the Turkish Empire for the support of schools and colleges, for rents and repairs of buildings, for taxes on real estate, for manufacture of books and newspapers, and for salaries of the 1,303 persons employed as above stated in the various operations of the societies, is \$360,000. This sum annually is sent from America to Turkey. It may be regarded as the proceeds of 3 per cent. of American capital set apart for the purposes of these societies and amounting to \$12,000,000. Not one of these persons, not a piaster's worth of these values, has ever menaced the order or established institutions of the Ottoman Empire. No charge of offensive proselytism has ever been made, or if made verified.

In view of these great benefactions, may I not confidently second the appeal of the President of my country and the Secretary of State, in the interest and concord of both nations for the better security of the persons, lives, and property of our citizens?

I avail, &c.,

S. S. COX.

[Inclosure 2 in No. 55.]

Mr. Cox to Said Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, November 14, 1885.

EXCELLENCY: In reference to the disposition and sale by colporteurs of the publications of the Bible Society, of which American citizens are recognized as lawful proprietors, I have the honor to state to your excellency that I am informed that instructions have been transmitted to the minister of public instruction from the Sublime Porte forbidding the sale of such publications.

As this seems to be in derogation of established usage and in restraint of legitimate business, may I ask your excellency to have sent for the information of my Government, which earnestly protests against such restrictions, the law which justifies them, or, if no law exists, to relieve my fellow-countrymen of the harassing obstacles thrown in their way by the officers of the Ottoman Government.

I have, &c.,

S. S. COX.

No. 677.

Mr. Bayard to Mr. Cox.

No. 49.]

DEPARTMENT OF STATE,
Washington, November 28, 1885.

SIR: I have received your No. 35, of the 24th ultimo, having especial reference to the cases of the naturalized American citizens, Kevork Guligyan and Bedros Iskiyan, whose registration in the Turkish bureau of nationality is refused on the sole evidence of their passports, and embracing general considerations on the subject of the right of expatriation.

Separating the special and general topics, we may consider, first, the present case of the two persons mentioned, and, further, the broader principle affecting our naturalized citizens of Ottoman nativity who may return to Turkey.

It would appear from your remarks that these two persons seek registration as foreigners, in order to be qualified to hold real estate as such. "Nor do I know," you say, "what is the status of these men now claiming citizenship of the United States, but when native Turks come here to live and seek to acquire real estate under the 'capitulation' and protocols which enable all foreigners to hold such property here, then the question of citizenship is at once mooted, and not generally until then is the law of 1869 evoked as a touchstone of citizenship abroad."

If their purpose in seeking registration as American citizens was to avail themselves of the right which Turkey concedes to foreigners, under certain conditions, to acquire and hold lands in the Ottoman Empire, and were it made a condition precedent to such acquisition and holding of real property that the party shall not have infringed the Turkish law concerning Turks who emigrate and assume a foreign allegiance without the previous consent of their Government, then this Government could not well object to the parties being called upon to qualify themselves for the enjoyment of the privilege they seek. Every sovereign State prescribes for itself the terms and conditions upon which title to lands within its jurisdiction may be acquired and held. If Turkish law imposes a disability, as to the tenure of real property, upon a Turk who has become naturalized elsewhere without the previous consent of his Government, then the question would be one of the subjection to municipal regulations of those who have voluntarily placed themselves thereunder, in a matter over which those regulations have sovereign and exclusive control. And the Turkish Government having the right to investigate the cases of persons applying, as foreigners, for the privilege of holding lands, or for any other personal privilege over which municipal laws have control, it would seem to have the right to demand of them such evidence as would enable it to ascertain whether the applicants labor under any disqualification, and, in event of their refusal to produce such evidence, to withhold the privilege sought.

The important distinctions are, however, to be borne in mind between a municipal privilege and a personal right, and between withholding such privilege and imposing a penalty. This may be illustrated as follows: To hold real estate, or to enjoy any other municipal right controlled by statute, the applicant may be called upon to qualify himself. The burden of proof is with him. If he do not furnish the required proof, he simply fails to obtain the privilege sought. But, on the other hand, if the statute visits the individual with a penalty, the burden of proof lies upon the power which seeks to inflict the penalty; the party cannot be called upon to criminate himself, and he must be presumed to be innocent until his crime is proved. At the present time a striking instance is found in the penalties which are attached in certain countries to the profession of a particular creed. The power to expel a Jew from Turkey is claimed, notwithstanding that, as a foreigner, he may have treaty rights of residence. Expulsion being of the nature of a penalty, the ground of its application is to be proved, like any other charge against the individual.

In short, withholding a privilege may comport with the executive function; the imposition of a penalty is essentially a judicial function.

Hence, in its dealings with Turkey, as with Russia, this Government cannot acquiesce in the executive imposition of a penalty, especially on account of race or creed. To the executive of another country all our citizens must be equal. If they, being voluntarily in a foreign land, contravene its municipal statute, it is for the law to ascertain and punish their offense.

If, therefore, registration in the bureau of nationality were sought by the two men in question merely as a formality whereby to qualify themselves for municipal rights, this Government could not object to the application in their case of any reasonable test or mode of trial to ascertain whether any legal disability existed to prevent the concession of the privilege sought.

I am not sure, however, that the matter is capable of consideration within these narrow limits. It seems to trench upon the broad question of the right of expatriation, and to involve application to any and all Turks who, being naturalized in the United States, may return to Turkey.

I have not been able on cursory search to find in the files of the Department the text of any law or regulation establishing the bureau of nationality and defining its function. I have, however, read the law of nationality of January 19, 1869, and find in it the following suggestive article:

ART. 9. Every individual inhabiting Ottoman territory is reputed an Ottoman subject, and will be treated as such until his character as a foreigner is verified in a regular manner.

From this I infer that the bureau of nationality is established to "verify in a regular manner" the alienship of all foreign inhabitants of Turkey, and record the fact.

As in the case of Guligyan and Iskiyan, the bureau has declined to admit them to registry, except on certain proof being submitted, it may be inferred that the evidence called for is deemed essential to the regular verification of the foreign status of the parties, and this especially with reference to article 5 of the law of 1869, which reads thus:

ART. 5. An Ottoman subject, acquiring a foreign nationality with the sanction of the Imperial Government, will be considered and treated as a foreign subject. If, on the contrary, he has obtained foreign naturalization without the previous authorization of the Imperial Government, such naturalization will be considered as null and void, and he will be regarded and treated in every respect as an Ottoman subject. No Ottoman subject can in any case naturalize himself as a foreigner without obtaining a deed of authority in virtue of an imperial iradé.

It would be desirable, toward a full understanding of the subject, to know the powers and functions of the bureau of nationality, with reference to the fifth and ninth articles of the law of 1869, which I have quoted. Is the bureau merely designed to afford to aliens an opportunity to record their status? Or is registration therein made obligatory upon all aliens, and does the absence of an alien's name from its books create, *ipso facto*, for the purposes of Turkish jurisdiction, the presumption that he is an Ottoman subject, and entail upon him the treatment as such contemplated in the ninth article of the law?

And, further, is the bureau made competent to exercise the quasi-judicial functions of deciding, under article 5 of the law, the status of a Turk who may have acquired a foreign nationality?

You are expected to enlighten the Department on these points, sending hither, if possible, the text of any law, decree, or regulation under which the bureau of nationality may have been organized, or of any rules or regulations defining its functions and powers.

Pending your report as to these points, I may probably give some attention to the general principle involved where there is international conflict of laws concerning the right of expatriation. The United States hold steadfastly to that right. The doctrine was well enunciated in 1868 in the words of Mr. Seward, quoted by you in your note of October 22 to Said Pasha, and in even more precise terms was incorporated in an act of Congress approved 27th July, 1868, now section 1999 of the Revised Statutes. Under the law of 1869 the Porte is understood to claim that it can discriminate between naturalized and other citizens of the United States, and treat as Turkish subjects those Turks who have been naturalized in the United States since 1869 without the prior consent of the Ottoman Government.

This Government has never admitted, and cannot now admit, the doctrine for which the Porte contends. Within our domestic jurisdiction we are bound to uphold and enforce the right of expatriation, and our assertion of that right follows to every foreign country the alien who has become a citizen of the United States by due process of law, and regards him as the equal of a native-born American citizen. We may not abandon the assertion of that right in favor of the counter assertion of the Government of such a person's original allegiance.

The laws of the United States thus inhibiting absolutely any discrimination between their native-born and naturalized citizens, the same form of passport is prescribed for all alike, and, under international law, is to be accepted everywhere as *prima facie* evidence of nationality. Our duty is limited to the positive one of lawfully certifying the fact of American citizenship, and this Government cannot be expected to go beyond the bounds of its power and duty by assenting to such a contention on the part of a foreign Government as would, if logically carried out, involve the negative obligation to show that the citizen had not at some previous time been subject to another power.

I am aware of no Government whose contention in this regard appears to go as far as that of Turkey. Other sovereign states, it is true, deny the right of expatriation without prior consent, but none, to my knowledge, imposes upon every alien resorting to its territory the burden of disproof.

The contention of Turkey may in fact be found to go even further, and assert a power on the part of the Porte to forbid the Government of the state whose citizenship a Turk may have lawfully acquired from diplomatic intervention in his behalf, if the Turkish law declares him to be still a subject of the Porte. I do not know that this is so; I trust it is not. There may be an analogy, however, between the Turkish rule of registration and the Mexican law of matriculation. In Mexico, all foreigners are required to deposit their passports in the ministry of state at the capital and take out a certificate of matriculation, which is alone admitted as evidence of their rights as foreigners in that country. Failing such registry, they can assert no civil or judicial rights of alienage; and the law even proclaims that no diplomatic intervention of their Government will be admitted in their behalf under whatever circumstances. The United States have for years contested this position, asserting that no municipal statute of another country can overthrow the reciprocal relations of a foreigner with his own government, or impair the obligation of the latter to intervene for his protection in case of wrong or denial of justice.

But, extreme as is the Mexican position, it merely rests on the execution of a formality. It accepts the passport as the evidence of alienage, and simply substitutes, for municipal effects, one form of indiscriminating certification for another.

The Turkish rule, on the contrary, rests on a vital discrimination between classes of foreigners ; it imposes a burden of proof unknown elsewhere, and it assumes not merely to treat certain persons as Turks until the contrary is shown, but to make them Turks.

The question is, in its broadest aspect, one of conflict between the laws of sovereign equals. The authority of each is paramount within its own jurisdiction. We recognize expatriation as an individual right. Turkey, almost solely among nations, holds to the generally abandoned doctrine of perpetual allegiance. Turkey can no more expect us to renounce our fundamental doctrine in respect of our citizens within her territory than she could expect to enforce her doctrines within the United States by preventing the naturalization here of a Turk who emigrates without the authorization of an imperial iradé.

In such cases, where the disagreement is fundamental, a conventional arrangement is practically the only solution to the difficulty. Founding on the volition of the individual as an ultimate test, the United States, without impairing their doctrine of the inherent right of expatriation, but rather confirming it, may agree upon certain conditions, according to which a person who has been naturalized in the United States and returns voluntarily to the country of his original allegiance, there to remain for a stated period, may be held to have created a presumptive intent to resume his former status, and thereby abandon his acquired nationality. We recognize the individual right to do so ; repatriation is as equally a right as expatriation.

The United States have negotiated treaties of naturalization with several Governments, including Turkey. The latter, signed August 11, 1874, was ratified by the Senate with amendments, and subsequently exchanged on the 22d April, 1875, at Constantinople. It subsequently appeared, however, that it had been ratified and exchanged by Turkey under a misapprehension of its true meaning. As you will see by perusal of Mr. Maynard's No. 11 of July 6, 1875, the Turkish Government supposed us to stipulate that two years' residence in the country of original allegiance should operate to forfeit the nationality subsequently acquired by naturalization. Mr. Fish held that the true meaning was that such residence created a presumption of intent to remain, which might be rebutted, like any other presumption, by competent proof.

Our position in this regard has always been consistent, although in other quarters, the misapprehension into which the Ottoman Government fell in 1875 has been found to exist. The reason of our position is clear. The treaties we have made simply recognize and define an existing status under the laws of the two parties ; they do not assume the legislative or judicial power of making and unmaking citizens. They leave the laws of the land of return free to operate, after two years, to restore the former allegiance. The treaty does not restore the original status any more than it can forfeit the acquired one, and perhaps leave the party without any national status whatever. Moreover, forfeiture of status is essentially a penalty, and the Porte's understanding of the treaty signed in 1874 would have involved the assumption by the United States Executive of the power and obligation to apply such a penalty to an American citizen who, under certain circumstances, might reside in Turkey for more than two years. There is no statutory warrant for the exercise of such a power, and for the Executive to assume it would be repugnant to the principles of our Government, according to which no man can be punished without due process of law. Hence, no form of international accord was possible with Turkey which would have imposed on the United States the obligation to declare the forfeiture

of rights which an alien might have duly acquired under the naturalization statutes through the decree of a competent court.

I refer to the past treaty negotiation to correct what seems to be a misapprehension on your part, for you say that "the treaty failed of confirmation in the Senate because of one inconsequential word." The difference between imposing forfeiture of citizenship and recognizing its renunciation is not inconsequential—it is vital. And, as a fact, the failure of that treaty was due to the Porte's withdrawal of the ratification it professed to have made and exchanged under a misapprehension of the purport of the Senate's amendment.

Of all our naturalization treaties with foreign Governments, the most clearly phrased are with Great Britain, Austria-Hungary, and Denmark, copies of which are herewith sent you. Article III of the British treaty covers the point under consideration by providing for and recognizing the lawful recovery of original allegiance and renunciation of that acquired elsewhere by naturalization. So, also, with Article IV of the Austro-Hungarian treaty. The latter is, furthermore, noticeable as providing for and defining the jurisdictional rights of the country of original allegiance, when the native thereof, returning thither after naturalization abroad, is amenable under its laws for an offense committed before his emigration.

Mr. Boker's treaty was negotiated five years after the Ottoman Government adopted the law of nationality. If that law was no obstacle then to a naturalization treaty with the United States, it should not be now. It should be your earnest effort to induce the Porte to negotiate again on the subject, with a view to a just and mutually honorable accommodation. You should make clear to the minister for foreign affairs that the Executive is strictly inhibited from acquiescing in the jurisdictional claims of Turkey, for it can neither recognize nor impose forfeiture of rights acquired by lawful naturalization; but that we stand ready, by treaty, to respect any process whereby, under Turkish law, duly applied, the voluntary act of a naturalized Turk who returns to reside in Turkey may operate as a renunciation of his acquired status and resumption of original allegiance. The limits within which such a negotiation may be conducted are found in the Americo-Turkish treaty of 1874, as amended by the Senate, and in our treaties with Great Britain and Austria-Hungary.

I await, as before stated, your report on the function and powers of the bureau of nationality. Meanwhile, this instruction will make clearer to you the attitude of this Government on the general question of the treaty rights of our citizens in Turkey, whether native or naturalized.

I am, &c.,

T. F. BAYARD.

CORRESPONDENCE WITH THE LEGATION OF TURKEY AT WASHINGTON.

No. 678.

Tevfik Pasha to Mr. Frelinghuysen.

[Translation.]

IMPERIAL OTTOMAN LEGATION,
Washington, April 26, 1884. (Received April 29.)

The Imperial Ottoman legation has repeatedly been under the necessity of making representations to the Department of State in relation to the jurisdiction which is assumed by the United States consuls in

Turkey over American citizens who have been guilty of crimes or misdemeanors committed within the territory of the Empire, to the exclusion of all intervention on the part of the Ottoman authorities, and that not only in cases in which the injured party is a foreign subject, but also in those in which such party is an Ottoman subject.

The Sublime Porte has always opposed this view of the United States, which is based upon an erroneous translation of Article IV of the treaty of 1830.

Without wishing, Mr. Secretary of State, to enter upon a minute discussion of this question, which has already formed the subject of much correspondence between the two Governments, I will say that Article IV of the said treaty does not create an exceptional *régime* in favor of American citizens.

The expression found therein "following the usage observed towards (other) Franks," can leave no doubt on this head.

It clearly shows that *neither more nor less* was granted to American citizens than was granted to the subjects of other powers. I beg, moreover, to remind you that according to the declaration of Mr. Porter, then representative of the United States in Turkey (which declaration has never been disavowed), the Turkish text of the treaty of 1830 is the only one that is binding, and as that document says, "In case any dispute shall arise between the two contracting parties, the said instrument (*i. e.*, the Turkish text) shall be the only one according to which the difficulty shall be settled." It was not until the year 1868 that Mr. E. Joy Morris, then United States minister at Constantinople, raised this question of jurisdiction, basing his action on the English translation of the Turkish text of Article IV of the treaty of 1830.

The case in which he did so was that of two Americans, Romer and Lamar, who had been concerned in an affray in Syria.

There are in that translation entire phrases which are wanting in the Turkish text, which is, I repeat, the only one that is binding.

A long discussion between the two Governments followed, and Mr. Morris, by order of the Department of State, had new translations of Article IV made at Constantinople, by six dragomans who were attached to various embassies there. According to the admission of the Department of State not one of those translations contains any phrases or words that would grant to the representatives of the United States the right of jurisdiction which we contest. In view of these facts, Mr. Fish, who was at that time Secretary of State, laid the question before the Senate, as appears from a dispatch addressed by him to Mr. Morris. Sixteen years have elapsed since then, and notwithstanding the reiterated efforts made by the Sublime Porte, both here and at Constantinople, no decision, so far as I am aware, has been reached by that body on this subject.

The United States Government, yielding to evidence, finally adhered, it is true, in principle, to the view taken of this question by the Sublime Porte. It will be sufficient for me to quote in this connection the declaration made by Mr. Evarts, then Secretary of State, to my predecessor, in the name of his excellency the President: "I am directed," wrote the Hon. Mr. Evarts, May 14, 1880, "by the President to admit, on the part of the Government of the United States, that the United States are bound by the Turkish text of the treaty of 1830, which was signed in that text above." [Mr. Evart's note says *in that text alone*.]

"I make this admission the more cheerfully in view of your repeated assurances, in the name of your Government, that not only shall the true extent" [Mr. Evart's note says *intent*] "of that text be observed,

but also that the citizens of the United States, within Ottoman jurisdiction, shall have the treatment accorded to the citizens or subjects of the most favored nations" [Mr. Evarts wrote *nation*] "either by treaty or by virtue of existing local laws or customs."

Aristarchi Bey took note of this declaration, and, in his reply to the honorable Secretary of State, gave the most positive assurances that citizens of the United States should enjoy, in Turkey, the same privileges and immunities as citizens of other countries. Notwithstanding these declarations, which ought to have put an end to the difference existing between the two countries, the Washington Cabinet thought proper once more to remit the examination of this matter to Constantinople, as stated by the Hon. Bancroft Davis, then Acting Secretary of State, to Aristarchi Bey, under date of December 30, 1881. You were also pleased to assure him, Mr. Secretary of State, that the necessary instructions had been forwarded to the representative of the United States in Turkey, to enable him to settle this difference. No settlement has, however, been reached.

In the meantime, cases of crimes and misdemeanors continue to occur in the Empire, and frequently give rise to differences of opinion and to difficulties between the Ottoman authorities and the American consulates, to the great detriment of the regular course of justice.

Thus, quite recently, the United States consul at Beirut positively refused to receive and forward to its destination a summons issued by the public prosecutor, which cited an American missionary of Saida to appear, he having been guilty of a violation of law.

In calling your serious attention, Mr. Secretary of State, to this fact, I beg you, by order of my Government, to be pleased to hasten the settlement of this question of jurisdiction, which has remained so long in abeyance.

To sum up, the Sublime Porte cannot make, in criminal cases, any exception in favor of American citizens; it guarantees to them, however, all privileges and immunities that have been heretofore and that are now enjoyed by the subjects of other powers. I am authorized to give you, on this point, Mr. Secretary of State, the most formal and explicit assurances, without either hesitation or reticence. My Government feels every confidence in the sentiments of equity and justice which actuate the Washington Cabinet, and it hopes that the difference which has for so many years existed between the two countries on this point will, through your conciliatory spirit, be definitely terminated.

Be pleased, &c.,

HUSSEIN TEVFIK.

No. 679.

Mr. Frelinghuysen to Tefvik Pasha.

DEPARTMENT OF STATE.

Washington, May 31, 1884.

SIR: I have the honor to acknowledge the receipt of your note of the 26th ultimo concerning the true interpretation of article 4 of the treaty of 1830, between the United States and the Ottoman Porte, in so far as it concerns the treatment of American citizens accused of crime in Turkey.

It appears to be your desire to avoid the extended discussion of details which has attended this question for several years past, and treat

it in its most practical aspects. To that end you confine your representations to certain elementary considerations which, if I rightfully understand your note, you regard as conclusive in themselves and as rightly sufficient to have closed the controversy before now, under the instructions given to the United States minister at Constantinople to examine and settle the facts.

This Department is equally desirous to avoid traveling anew the path of previous argument. The matter seems to it to be one readily restricted to precise limits within which it might have been determined at any time in the past fifty years if your Government had met the real issue by a positive statement of the precise meaning of the Turkish text of the fourth article in dispute.

A part of your argument appears to rest, permit me to say, on a fallacious assumption. You go back to Mr. Porter's declaration in 1831, that the Turkish text should be the standard in case of doubt as to the meaning of the treaty, and you next quote (with some verbal inaccuracies) the words of Mr. Evarts in his note of May 14, 1880, as follows: "I am directed by the President to admit, on the part of the Government of the United States, that the United States are bound by the Turkish text of the treaty of 1830, which was signed in that text alone. I make this admission the more cheerfully in view of your repeated assurances in the name of your Government that not only shall the true intent of that text be observed, but also that the citizens of the United States within Ottoman jurisdiction shall have the treatment accorded to the citizens or subjects of the most favored nation, either by treaty or by virtue of existing local laws or customs," both of which you take as showing that "the United States Government, yielding to evidence, finally adhered, it is true, *in principle to the view taken* of this question by the Sublime Porte." You surely do not wish to be understood as claiming that an admission of the Turkish text as the standard is equivalent to a blind acceptance of the interpretation which the Porte may see fit to give to that text, where the language itself is ambiguous. As Mr. Bancroft Davis, then Acting Secretary of State, had the honor to inform Aristarchi Bey on the 30th of December, 1881—

The President has not intimated a purpose of yielding to the Ottoman construction of the treaty of 1830, or of abandoning in any way what he regards as the just rights of the United States.

The simple question is now, and always has been, what was the meaning of the treaty of 1830? In other words, what did it stipulate for American citizens in Turkey in 1830?

You are doubtless familiar with the precedent correspondence, and will therefore recall without difficulty the many occasions on which this Government has asked that of Turkey to furnish an intelligible paraphrase of the disputed article, and to explain what was the usage toward other Franks in 1830. Not the slightest attempt to enlighten this Government on those two all-important points has been made.

The treaty was negotiated, as you are aware, in the French tongue. The commissioners agreed upon a text in French, embracing certain stipulations. The reports of the negotiations which accompanied the text showed the occasion for those stipulations and their nature. With regard to the clause in dispute, forbidding the arrest and imprisonment of American citizens by the local judges, and leaving to their ministers or consuls the power to punish them, as in the case of other Franks, the negotiators remarked that this clause was not always strictly observed in the case of other Franks; that the Turkish authorities in 1830 frequently arrested Franks, who were thereupon demanded and

obtained with difficulty by the foreign ministers. There seems to have been no doubt in their minds as to the extent of the stipulated privilege. The French text, so agreed upon, was accepted by the Turkish negotiators, and the American negotiators were thereupon furnished by the Turks with a version in the Turkish language, which they were assured was a faithful equivalent of the French text agreed upon.

If, under these circumstances, the effect of translation was to occasion differences between the two texts, it would seem to be due to translation from French into Turkish. However this may be, they could have been verbal merely, for to suppose that, under the assurance of equivalence, a Turkish text was submitted radically different from the French text agreed upon, would be to impute something very like bad faith to the Turkish negotiators—an imputation which this Government has no desire to make.

The Turkish Government denies absolutely the existence in the Turkish text of certain phrases found in the English text. It says:

The words "*they shall be tried by their minister or consul and punished according to their offense*" no more exist in the text than the words "*they shall not be arrested.*"

Omit these words and the remaining text becomes utterly meaningless. Nothing whatever is stipulated save the usage observed toward other Franks. This must be more than "merely the effect of translation."

This Department possesses twenty or more translations from the original Turkish text, made by eminent scholars and impartial experts. All these versions, without exception, contain phrases closely following those which the Porte says do not exist at all, and all, despite wide verbal differences (merely the effect of translation), agree in stipulating that no American citizen shall be imprisoned in a Turkish prison, but shall be punished through the instrumentality of his minister or consul.

The inference is irresistible that something of the nature of an extra-territorial privilege was stipulated, and that the words on which your Government lays such stress—"following in this respect the usage observed towards other Franks"—are simply explanatory. They refer merely, by way of illustration, to a well-known state of things existing in 1830, when, as Mr. Rhind shows, all the foreign ministers successfully resisted the occasional mistaken effort of a Turkish officer to arrest Frankish subjects. They do not contain by limitation the whole of the concession.

Moreover, this explanatory clause as to the treatment of other Franks was clearly not intended, in 1830, to subject American citizens for the future to whatever changes might thereafter supervene in the Turkish treatment of other Franks. The stipulation was meant to rest on a solid basis, not on a delusive quicksand, shifting with each varying provision of Turkish law. This is evident when we remember that in 1830 there were no tribunals to which foreigners were amenable, and that the system of jurisprudence to which the Porte claims that American citizens are to be subjected originated long after the treaty of 1830.

The Turkish ground as to the judicial treatment of Franks changes every year. One example will suffice. In the past correspondence the Porte and its representative here have repeated with the most solemn asseverations the assurance that the treaty in the Turkish text distinctly reserved to our ministers and consuls the sole right to *imprison* American citizens even in pursuance of a Turkish judgment whose validity we have denied, and yet, recently, an American citizen, Dr. Pflaum, has suffered *imprisonment* in a Turkish prison by virtue of a Turkish judicial sentence.

I may recognize a desire on the part of the Porte to bring the treatment of all Franks under the provisions of its recent judicial legislation; but this desire is limited in its effects by treaty rights. It would appear to be the intention of the Porte to eliminate from the last part of article 4 of the treaty of 1830 all that enunciates any specific privilege, and leave only a vague favored-nation clause, whereby American citizens shall receive the most favorable treatment which for the time being may be accorded to any other Frank. This a very narrow result. We are willing to regard the phrase touching the treatment of other Franks as having some of the quality of a most favored-nation clause; that is, if any other Franks have a more favored treatment than that specifically stipulated in our treaty, an American citizen might rightly claim such extension of favor. But it is not in itself a most-favored-nation clause, nor does it stand alone, independent of the specific stipulations of the article in which it is found.

In every aspect of the case there are two vital considerations: first, the true meaning of the text of the treaty, and, secondly, the treatment of Franks in 1830, when the treaty was signed. As to both of these our efforts to obtain a distinct declaration from the Porte have failed. Our last attempt to obtain the needed light on the subject has been completely ignored. An instruction, No. 44, of March 3, 1882, was sent to Mr. Wallace, summarizing the whole situation in the frankest spirit and with the sole desire to put an end to this controversy. On the 29th of October, 1882, Mr. Wallace communicated a copy of that dispatch to his excellency Said Pasha, the Porte's minister for foreign affairs. No answer has been made. As I infer from your note of April 26, 1884, that you are not even aware of the existence of my communication of March 3, 1882, I send you a copy thereof for your information, omitting the inclosures, which, as you will see, are of record in your legation.

I write you this from a courteous desire that you may fully comprehend the situation, not with any purpose of transferring the discussion back to Washington for speculative and impractical discussion. As I said in my note to Aristarchi Bey, of August 29, 1882, "General Wallace is in a position, under the instructions heretofore sent to him, to respond to any proposal or argument which his excellency the minister for foreign affairs may see fit to address to him."

Accept, sir, &c.,

FRED'K T. FRELINGHUYSEN.

No. 680.

Tevfik Pasha to Mr. Davis.

[Translation.]

IMPERIAL OTTOMAN LEGATION,
Washington, August 30, 1884. (Received August 30.)

The Sublime Porte, in the exercise of its incontestable and uncontested right, gave notice, at the prescribed time and in due form, of its desire for the cessation of the effects of the treaty concluded between the Imperial Ottoman Government and the United States in 1862. As

a consequence, the treaty in question has ceased to exist as far as the Sublime Porte is concerned.

It is true that the Washington Cabinet, endeavoring to base its action upon certain matters of form, has sought to maintain that this notice was null and void. The Sublime Porte, however, strong in the justice of its cause, has energetically and unceasingly opposed this view, and has always insisted that the treaty was definitively abrogated.

The Department of State, after many negotiations, finally consented to acknowledge the validity of the notice, on condition that the Ottoman Government would agree to grant to American citizens trading in Turkey the same privileges and immunities that are granted to the subjects or citizens of nations whose treaties of commerce with the Ottoman Empire have not yet expired, and provided that the said American citizens might enjoy the same until the expiration of the treaty of commerce that had the longest time to run.

The Sublime Porte, while recognizing the spirit of conciliation shown by the Washington Cabinet in this matter, has found it impossible to accept this proposition. To do so would have been to admit that the notice given by it was an empty formality, since, according to the new convention proposed by the United States, the consequences of the said notice were to be null and void, and American citizens trading in Turkey were, in a word, to be placed in the same position in which they were before the notice was given.

The Sublime Porte has therefore been compelled to declare to the chargé d'affaires of the United States at Constantinople that, considering the treaty as no longer having any legal force, it will levy an *ad valorem* duty upon American goods introduced into Turkey. Still, out of regard for the United States, with which it so much desires to maintain friendly relations, and with a view to avoiding even the shadow of a complication, it has repeatedly solicited the American legation at Constantinople to be pleased to appoint delegates for the purpose of negotiating a new treaty and a new tariff. Mr. Heap, however, has as yet taken no such step. He has confined himself to informing the Imperial Government that he has referred the matter to his Government.

The Sublime Porte trusts that the honorable Secretary of State, being convinced that it is in the right, will be pleased to instruct the representative of the United States at Constantinople to negotiate a new treaty and a new tariff with the Ottoman delegates; for, once more, it is impossible for the Imperial Government to recede from the position which it has taken in relation to this question.

No. 681.

Mr. Frelinghuysen to Tervik Pasha.

DEPARTMENT OF STATE,
Washington, October 24, 1884.

SIR: I have had the honor to examine the *note verbale* dated the 30th August last, and handed by you to the Acting Secretary of State, Mr. Davis, on that date. You therein review, from the position held by the Government of the Porte, the pending questions between the two countries concerning the duration of the effects of the treaty of 1862, and communicate the declaration made to the chargé d'affaires of the

United States at Constantinople, that, considering the treaty as no longer having any legal force, the Sublime Porte will levy an *ad valorem* duty on American goods introduced into Turkey. And you conclude by stating the desire of the Porte that the United States legation at Constantinople be directed to appoint delegates for the purpose of negotiating a new treaty and a new tariff.

I have noted especially the concluding words of your *note verbale*, that "it is impossible for the Imperial Government to recede from the position which it has taken in relation to this question."

I regret to see in this communication an apparent departure from assurances repeatedly made by the Government of the Porte, both at Constantinople and through its representatives in this capital, that the goods and citizens of the United States should receive in any contingency the treatment of the most favored nation. The proposals heretofore made by us to continue such treatment while negotiating a new treaty were based on these assurances of Turkey.

As relates to these assurances, I need scarcely do more than refer you to the words of your own note of May 22d last, wherein, while stating the inability of Turkey to accept the letter of the proposal made by the United States, you make the following declaration :

As to the fear which you express that the commerce of the United States will be placed on a lower footing in consequence of the abrogation of the treaty of 1862, while other powers have treaties of longer duration, and that American commerce will thereby be subjected to a disadvantageous régime, I can assure you, in the name of my Government, that the Sublime Porte entertains no such idea. The esteem and regard which it has always manifested for the United States are a sure guarantee that it will maintain their rights as it has done in the past.

Many such declarations might be cited from the notes of yourself and your predecessors and of the ministers of foreign affairs of the Porte to the same effect, but in more unequivocal language even than yours.

Besides these assurances, the United States are, in virtue of a treaty whose existing validity is beyond a doubt, entitled to the treatment of the most favored nation.

The proposals heretofore made by this Government, and which have been declined by that of the Porte, were based on these assurances, and looked simply to the continuance of the most-favored-nation treatment so long as other nations should be more favored than our own, and no longer. In this respect our proposals are not at variance with the drafts submitted by your own Government to the United States minister at Constantinople. The principle sought to be confirmed in both is the same.

This Government stands ready to negotiate a new treaty with Turkey, whereby the commerce of the United States may be subject to the same increase of taxes as the commerce of other nations with which Turkey has concluded or may conclude treaties, such treaty to take effect with the general enforcement of the new tariff.

I cannot but view the present notification, whereby the Government of the Porte ignores its assurance of and agreement for favored treatment, and seeks to place the commerce of the United States on the basis of a higher taxation, while other powers are, for the time being, entitled to a lower rate, as unfavorable to that good feeling which should mark the negotiations for a reformed tariff and a new treaty.

This Government would willingly do all in its power to maintain the good understanding which should exist on such an important matter between two friendly nations; but it must be quite evident to you that this Government cannot willingly accept the rejection by the Turkish

Government of the fundamental basis upon which the negotiation has hitherto proceeded.

The representative of the United States at Constantinople has been instructed to protest against any instance which may come to his knowledge of the levying of *ad valorem* duties against the products of the United States to which the products of other nations may not be at the time liable, as a violation of the treaty of 1830.

I avail myself, &c.,

FRED'K T. FRELINGHUYSEN.

No. 682.

Tevfik Pasha to Mr. Frelinghuysen.

[Translation.]

IMPERIAL OTTOMAN LEGATION,

Washington, November 26, 1884. (Received November 28.)

MR. SECRETARY OF STATE: I have had the honor to receive the note which you were pleased to address to me on the 31st of May last relative to the interpretation of Article IV of the treaty of 1830.

This question, which has been kept so long in abeyance, has been the subject of so many controversies, both here and at Constantinople, that another detailed examination of it would, as you are pleased to remark, have no practical result, especially since you have decided, as you are pleased to inform me, again to transfer the discussion of this matter to Constantinople. Nevertheless, the regard and the consideration which I entertain for all communications from the distinguished head of the Department of State, compel me to endeavor to reply to some, at least, of the arguments contained in the aforesaid note.

The whole question on which we are unable to agree is, you say, "the exact meaning of the treaty of 1830. In other words, what did that treaty stipulate for American citizens in Turkey in 1830?" You add:

Although this Government has repeatedly requested that of Turkey to furnish an intelligible paraphrase of the disputed article, no attempt to enlighten this Government on this all-important point has been made.

You will permit me, Mr. Secretary of State, to appeal to your recollection on this subject. As long ago as 1868 Ali Pasha informed Mr. Edward Joy Morris, the representative of the United States at Constantinople, how the Sublime Porte interpreted this article. We have always maintained the same interpretation, as is shown by the voluminous correspondence which has taken place on this subject. Aristarchi Bey, moreover, at the request of one of your predecessors, transmitted to the Department of State a French translation of the article in question, which was made here, and for which he was directly responsible. You will therefore be pleased to admit, Mr. Secretary of State, that the Imperial Government does not deserve the charge that "it has done nothing to enlighten that of the United States on this all-important point."

As to the definition of privileges that were enjoyed in Turkey by the subjects of foreign powers in 1830, which definition you say you have asked us in vain to furnish, I will take the liberty of stating that

this is an entirely new requirement, which seems to me to have been formulated for the first time. An examination of the correspondence shows that, in 1880, Mr. Blaine, then Secretary of State, in his negotiations with my predecessor, was disposed to consider as sufficient a declaration on our part to the effect that American citizens should enjoy the usage and privileges granted to other nations. This declaration we did not hesitate to make. You now ask us to specify the nature of the privileges that were granted by us to foreigners in 1830. This request appears to me singularly to complicate the question. By the treaty of 1830 the Sublime Porte simply promised to allow citizens of this Republic to enjoy the privileges granted to other Franks, and to treat them in all respects on the same footing with the latter. Now, the privileges granted to foreigners by the capitulations cannot represent an absolute and immutable state of things, and one never susceptible of any variation. The usage may be modified according to the progress of the times, or according to the mutual consent of the parties; from which it is evident that if any change were to take place in the status of foreigners in general, Americans would have to submit to the common law, and could claim no special privilege beyond what was enjoyed by other foreigners. It would therefore be practically useless to inquire, Mr. Secretary of State, as you suggest, what privileges were granted to foreigners in 1830.

In the instructions given by the United States Government to its plenipotentiaries charged with the negotiation of the treaty of 1830, it is expressly enjoined upon them (see Notes upon the Foreign Treaties of the United States, page 1060, revised edition, 1873,) to conclude a treaty upon the most-favored-nation basis. In other words, the United States instructed their negotiators to secure for American citizens the same usage that was granted by the Sublime Porte to other Franks at that time. The following, Mr. Secretary of State, was the status of Franks in Turkey in respect to criminal matters, according to the text of the capitulations then in force :

If a Frank commit a murder or other crime, the authorities shall take cognizance thereof, but the judges and officers shall not proceed to do so save in the presence of the ambassador, the consuls, or their substitutes.

This is the rule by which the Sublime Porte has always been guided in cases of crimes or misdemeanors committed by foreign subjects or citizens residing in Turkey. Americans, I repeat, cannot claim exceptional usage; the expression found in Article IV of the treaty of 1830, viz, "following the usage observed towards other Franks," cannot leave the slightest doubt on this head; it conclusively proves that nothing more was granted to citizens of this Republic than to the subjects of other powers.

As to the opinion, which is also enunciated for the first time, that the treaty was negotiated in French, and that the Turkish text was but a translation for which the Ottoman ministers were responsible, it is refuted by the American documents themselves. I will take the liberty, Mr. Secretary of State, to quote in support of this assertion, the following passage from the "Notes upon the Foreign Treaties of the United States," page 1061 :

He [Mr. Rhind] submitted a draft of a treaty to the Reis Effendi. Some days later he was shown the Turkish text of a treaty, and was told by the Reis Effendi that it was drawn up in strict conformity with the one which he had submitted, and on the 7th of May the treaty was signed, the Turkish text being signed by the Reis Effendi, as it had been prepared by him, and the French text being signed by Rhind *after examination and comparing it with the Turkish*,

Lower down on the same page are found the following words.

It appears from the archives of the Department of State that four translations were sent to America: (1) an English translation from the original Turkish, not verified; (2) a French translation from the original Turkish, verified by Navoni, the American dragoman; (3) another French translation in black ink, with annotations in red ink; (4) another English translation, made from the French. No French version appears to have been transmitted to the Senate with the Turkish text.

Do not these quotations, the number of which might easily be increased, most clearly prove that the Turkish text is the original, and that the English and French versions are merely translations, which were verified by the American delegates? The imputation, therefore, of a certain degree of bad faith on the part of the Ottoman negotiators, would be, to say the least, underserved. I am glad to see, moreover, that you are pleased to declare that the United States Government desires to make no such imputation.

The Department of State has, you say, more than twenty translations of the original Turkish text, made by competent and impartial persons. All these versions, you add, without exception, agree in stipulating, notwithstanding certain differences of expression resulting from translation, that "no American citizen shall be imprisoned in a Turkish prison, but shall be punished through the instrumentality of his minister or consul."

The Sublime Porte has always maintained that the words "arrested and tried" are not found in the Turkish text of the fourth article of the treaty of 1830. It is now glad to find that they are not in the translations of that article which the Department of State has caused to be made. Their omission, moreover, does not render the rest of the article "utterly meaningless." Your own quotation is the best proof of this.

As to the assertion that previously to 1830 there were no Ottoman courts to which foreigners were amenable, it seems to me to be a mistake as to fact which you will, I doubt not, Mr. Secretary of State, hasten to admit, when the true state of the case shall be better known to you. Foreigners charged with the commission of any crime were then tried by a *cadi*, in presence of their consul or his representative, as appears from the very text of the capitulations. That magistrate has now been superseded by a court composed of several judges; but, although the form of the tribunal has changed, its jurisdiction remains the same; that has not deprived foreigners of the privilege of the presence of their consul or dragoman, which is secured to them by the capitulations.

To sum up, Mr. Secretary of State, the Imperial Government, for the foregoing reasons, can do nothing more than fulfill the promise which it has so often made, viz, to accord to American citizens, in penal cases, the usage, privileges, and guarantees that are enjoyed by other foreigners. The treaty of 1830, if the official and original text in the Turkish language be taken as the standard, stipulated for nothing more in their favor. On this basis alone will the Sublime Porte negotiate the case arising with the United States legation.

You are pleased to inform me, in conclusion, that you addressed a dispatch to the United States minister at Constantinople on the 3d of March, 1882, giving him the necessary instructions to bring this controversy to a close. On the 29th of October, 1882, General Wallace sent a copy of that dispatch to his excellency Assim Pasha, minister of foreign affairs; to this communication you say that no reply has been received. In this connection you will permit me to inform you that the Sublime Porte, anticipating, as it were, the step about to be taken by the Department of State, addressed a note to the United States legation, July 6, 1882, more than a month before it received General Wal-

lace's communication, stating that it would be glad to discuss the final settlement of this matter with the representative of the United States. As I have reason to suppose, from the note which you did me the honor to address to me on the 31st of May, that you are not aware of the existence of the communication which thus emanated from our ministry of foreign affairs, I herewith transmit to you a copy of it.

In conclusion, I earnestly beg you, Mr. Secretary of State, by order of my Government, to be pleased to instruct the United States legation at Constantinople to enter without delay into negotiations with the Sublime Porte with a view to the final settlement of this question, which has been a subject of discussion for so many years, and which threatens to last for an indefinite period, to the great detriment of the well-recognized interests of both countries.

Be pleased to accept, &c.,

HUSSEIN TEVFIK.

[Inclosure.]

Said Pasha to Mr. Wallace.

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,
July 6, 1882.

I am compelled to recur to the disagreement that exists between the Sublime Porte and the United States Government in reference to the interpretation of Article IV of the treaty of 1830, concluded between the two countries.

According to the Washington Cabinet, American consuls in the Empire have the right of jurisdiction over American citizens who are guilty of crimes or misdemeanors, to the exclusion of any intervention on the part of the Ottoman authorities, not only in cases in which the victim is a foreign subject, but also in those in which the injured party is an Ottoman subject.

This interpretation, which tends to sanction a mode of procedure at variance with the practice observed towards all other foreigners, without exception, can in no wise be accepted.

It can have arisen from nothing but an error in translation or a misapprehension. The Imperial Government can by no means grant to citizens of the United States a usage different from that which is accorded to other foreigners residing in the Empire.

This question has been much discussed, both here and at Washington. Aristarchi Bey informed me, shortly before he left Washington, that the Secretary of State had told him that he had sent you instructions to enter into communication with the Sublime Porte with a view to the settlement of this disagreement.

I think it proper for me to notify you that I shall be happy to enter into negotiations for the final settlement of this matter.

Accept, &c.

No. 683.

Tevfik Pasha to Mr. Frelinghuysen.

IMPERIAL OTTOMAN LEGATION,
Washington, November 30, 1884. (Received December 4.)

MR. SECRETARY OF STATE: I have had the honor to receive the note which you were pleased to address to me, under date of the 24th ultimo, in relation to the treaty of commerce between Turkey and the United States.

In reply I can but renew to you the assurances which the Imperial Government has repeatedly given to that of the United States, that American merchants will receive, in the dominions of his Imperial

Majesty the Sultan, the same usage as those of other nations, as is stipulated in Article I of the treaty of 1830, which is the only treaty that is now in force.

The Sublime Porte, in an arrangement to be concluded between the two countries to take the place of the treaty of 1862, which has ceased to exist, would be perfectly willing to place American merchandise on the same footing as that of the most favored nation. It would have to be well understood, however, that this stipulation should be reciprocal, and interpreted as it has been hitherto understood in the law of nations. That is to say, that just as American goods imported into Turkey would receive the benefit of any advantage granted to a third power, so Ottoman goods would enjoy in the United States all advantages that, for any reason, should be accorded by the Washington Government to the goods of any other country.

As to the transient question what usage will be accorded to American goods in the Ottoman Empire, so long as no new treaty shall be concluded, I have every reason to believe that such goods will be subjected to the same usage as those of other nations, with the exception of imports from Austria-Hungary, upon which, for the present, specific duties continue to be levied; goods from all other countries pay *ad valorem* duties. The Sublime Porte was therefore very much surprised when it learned that the representative of the United States at Constantinople had been instructed to protest every time that *ad valorem* duties should be levied upon American goods, unless the same duties should be levied upon the productions of other nations.

This decision cannot fail to complicate the situation, and to give rise to new difficulties, without doing any good. The United States legation, moreover, will not have occasion to protest, notwithstanding the instructions of its Government, since *ad valorem* duties are levied upon the goods of all in general.

I have been instructed by my Government to beg you earnestly, Mr. Secretary of State, to be pleased to instruct the United States delegate to take part, without delay, not only in the preparation of the new tariff, but also in the negotiations for the conclusion of a new treaty to take the place of that which the Sublime Porte has regularly denounced.

Be pleased, &c.,

HUSSEIN TEVFIK.

VENEZUELA.

No. 684.

Mr. Baker to Mr. Bayard.

[Extract.]

No. 49.]

LEGATION OF THE UNITED STATES,
Caracas, March 23, 1885. (Received April 20.)

SIR: Referring to my dispatch relative to the custody of ships' papers in Venezuelan ports, * * * it now becomes opportune to add something further in the same premises.

It will be seen from my No. 768, of date October 15, 1883, that the matter was brought to the notice of the Congress of that year, but not determined, and it will be seen from my No. 877, of date March 26th

last, that it came forward as unfinished business to the Congress of 1884, and I have now to add that, as it appears that that Congress did not determine it, it seems to have come forward as unfinished business to the Congress of the present year, which recently commenced its sessions.

I called this afternoon upon Señor Qüenza, and drew his attention to the matter at considerable length, and in a very earnest manner. He indicated that he would give it his attention. I shall follow it up with due earnestness, to the end of inducing a proper change in the Venezuelan law on the subject, to be made by the present Congress, if possible.

I am, &c.,

JEHU BAKER.

No. 685.

Mr. Bayard to Mr. Baker.

No. 51.]

DEPARTMENT OF STATE,
Washington, March 24, 1885.

SIR: I transmit herewith a copy of a dispatch dated the 4th instant (No. 197) from Mr. Winfield S. Bird, United States consul at La Guayra, detailing the circumstances under which the American schooner Lanie Cobb, of Bangor, Me., sustained damages while in the port of La Guayra, and the conduct of the Venezuelan authorities in reference thereto.

The facts in the case appear to be briefly as follows: On the 21st of February last the Lanie Cobb, while lying at anchor in the port of La Guayra, was run upon, as it is alleged the evidence fully shows, with great carelessness by the Venezuelan schooner Ana Eulogia, owned by the President of Venezuela, and in the service of the Venezuelan Government. Application was promptly made by the master of the Lanie Cobb and the consul to the customs authorities for the usual survey upon the schooner, in accordance with law. Permission, however, to go on board for the purpose in question was only obtained after considerable delay, but the report of the surveyors was at last obtained and filed, with an estimate of the damages, in the consulate.

It is stated that owing to the peculiar circumstances of ownership and service of the Venezuelan schooner, an effort was made to effect a private adjustment of the matter, but that it was attended with no success. Application was next made in due form of law to the judge of hacienda at La Guayra for investigation and redress, but the court denied its jurisdiction, and referred the master to the collector of customs, who is, *ex officio*, captain of the port. The latter officer stated that relief could only be obtained before the aforesaid judge, but it was again insisted at the court that the case could not be considered there. Finally the master appeared once more before the captain of the port, and asked that proceedings for his relief be instituted, but was told "to go out of court." It would seem, therefore, that every available means to obtain a hearing in this case before the Venezuelan authorities has been exhausted, and that a denial of justice must follow, unless the matter can be adjusted through diplomatic channels.

You are instructed to investigate the case, and to report whether in your opinion the facts are such as to warrant a demand by this Government on that of Venezuela for damages in favor of the master of the Lanie Cobb.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 51.]

Mr. Bird to Mr. Hunter.

No. 197.]

UNITED STATES CONSULATE,
La Guayra, March 4, 1885.

SIR: I have the honor to invite your attention to the following statement:

On the 21st day of February ultimo the American schooner Lanie Cobb, C. H. Cobb, master, of Bangor, Me., while lying quietly at anchor in this roadstead, was run upon in the most careless manner, as all the evidence fully shows, by the Venezuelan schooner Ana Eulogia, and her bowsprit, cut-water, and all head-gear broken or carried away. Said Venezuelan schooner belongs to General Crespo, President of Venezuela, and was and is in the service of the Venezuelan Government.

On the 24th February ultimo Captain Cobb came ashore to this consulate and asked for a survey upon his vessel, in accordance with law, and the preliminaries having been arranged we repaired to the custom-house to obtain permission to go on board of said ship for that purpose. After an interview of about two hours, permission was reluctantly granted to the United States consul alone to go on board. The necessity of taking on board the surveyors also having been at last demonstrated to the collector in the most respectful and *persuasive* terms, his more reluctant consent was finally obtained. The surveyors repaired on board, held the survey, estimated the damages, and duly filed their report in this consulate.

The peculiar circumstances of ownership and service of the Venezuelan schooner having been duly considered, it was deemed most proper to endeavor to effect a private adjustment of the matter; and to that end the writer, the United States consul at La Guayra, acting simply as the agent of the master, duly instructed and authorized, went to Caracas. It will, doubtless, suffice to say that no offers of adjustment were made to him, and all proposals of compromise on his part, expressed in the most equitable terms, were curtly rejected.

As a last resort the master aforesaid, after much loss and delay, applied in due form of law to the judge of hacienda, in La Guayra, for investigation and legal redress. He was informed that his court had had no jurisdiction, and that he must apply to the collector customs, who is *ex officio* captain of the port. Upon application in proper form to this latter officer he was there told that relief could only be had before the aforesaid judge, to whom he again repaired. Again the said judge insisted that the cause could not be considered there, and instructed him to go back to the said captain of the port. Finally the said master appeared before the said captain of the port, and, in respectful and due form, asked that legal proceedings for his relief should be instituted. In legal parlance he was then told to go out of court.

Having conducted this whole cause, either officially or as the agent of the master, I beg to assure the Department of State that the foregoing is an accurate, though very temperate, statement of the circumstances connected therewith.

Too much cannot be said in commendation of the prompt and intelligent manner in which Charles R. Rohl, esq., United States consular agent at Caracas, lent his services toward the settlement of this most disagreeable affair.

If deemed necessary, copies of survey, estimate of damages, protests, and declarations in this cause will be promptly transmitted.

I am, &c.,

WINFIELD S. BIRD,
Consul.

No. 686.

Mr. Baker to Mr. Bayard.

No. 53.]

LEGATION OF THE UNITED STATES,
Caracas, March 30, 1885. (Received April 20.)

SIR: At about 1 p. m. on the 28th instant my attention was arrested by a phenomenon that may be worthy of brief mention. All of a sudden I heard a subdued roaring sound, somewhat like that of a storm or of the sea at a distance, and looking towards the patio of my house I observed the ground and vegetation darkened thickly with flitting shadows, and looking upwards I saw immense masses of locusts moving

over the city in a northern direction, so dense as to sensibly obscure the light of the sun, and causing the roaring sound I had heard as they moved rapidly along.

It appears that the locust invaded Venezuela in formidable numbers at Maracaibo and vicinity on the 29th and 30th of May, 1881 (see the account thereof which I gave in my No. 418 and its annex, of date June 26 of that year), and that they have spread eastward over the country, and continued in it from that time hitherto, doing much damage—so much so that the Government alleges “the devastating plague of locusts” as being the cause of that scantiness of grains produced in the country which has led it to the temporary removal of import duties on corn, rice, and beans.

Since the first appearance of locusts in Venezuela, in 1881, I have observed many swarms of them pass over Caracas, some continuing for a much longer time in their passage than those whose flight I observed on the 28th instant; but the masses of these last seemed to be more dense than any I had previously seen, and in no other instance do I recall the roaring sound with which their flight was attended.

I am, &c.,

JEHU BAKER.

No. 687.

Mr. Bayard to Mr. Baker.

No. 56.]

DEPARTMENT OF STATE,
Washington, April 9, 1885.

SIR: With reference to my instruction to you, No. 51, of the 24th ultimo, relative to the injury to the American schooner Lanie Cobb, I have now to transmit for your information a copy of dispatch No. 201, March 14 ultimo, from the consul at La Guayra, containing a statement in detail of the facts attending the damages sustained by the aforesaid schooner.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 56.]

Mr. Bird to Mr. Hunter.

No. 201.]

UNITED STATES CONSULATE,
La Guayra, March 14, 1885.

SIR: Referring to dispatch No. 197 of date March 4 instant, upon the subject of damages sustained by the American vessel Lanie Cobb while in this port, I have the honor to submit the following additional and more explicit details:

As has been stated, the master of said vessel made application to this consulate on February 24 ultimo, for a survey. The preliminaries were arranged, and Benjamin F. Cushman, master of the schooner Addie M. Bird, of Rockland, Me., Evan Jones, master of the brig Fleetwing, of Cardiff, Wales; and Charles G. Jackson, an English ship-carpenter, long resident at this port, were selected to hold said survey. Thereupon they repaired to the custom-house with a dispatch, as follows:

UNITED STATES CONSULATE,
La Guayra, February 24, 1885.

SEÑOR: The American schooner Lanie Cobb, having suffered serious damages and injuries from being run into by the Venezuelan schooner Ana Eulogia, I have the honor

to request that three surveyors may be permitted to go on board of said vessel to ascertain her present state and condition and what had best be done for the interest of the parties concerned.

I am, &c.,

WINFIELD S. BIRD.

Señor MARCELIANO MARTIN,
Collector of Customs at La Guayra.

The above is substantially, if not literally, an exact copy of said dispatch.

These surveyors returned to this consulate shortly afterward, and reported that the said collector had refused to grant them the permit thus requested.

At 3 o'clock, p. m., of the same day, in company with said surveyors I went personally to see the said collector. He informed me that my dispatch to him was written in English, a language not understood by him, and that until the return of the official interpreter from Caracas, about which he could give me no intelligence, he would decline to proceed in the matter. I asked permission to explain, in his language, what I desired; but, in polite terms, he refused. I urged upon him the necessity of holding the survey without further delay, in order that the master might assume the responsibility to move the vessel from her position in dangerous proximity to the rocky beach. He volunteered to render us all necessary assistance, but, with due thanks, he was reminded that until a lawful survey had been held we could not take the risk to move her. He then insisted that he had the right to nominate one surveyor, the master of the Venezuelan should name another, and the American master should appoint a third, to hold said survey.

Against such a demand I respectfully and firmly protested, and assured him that I proposed to hold this survey merely in compliance with my official duty, and that such survey had no reference to proceedings in the Venezuelan courts but was to be instituted in pursuance of the laws of the United States. He declined to allow the American consul even to go on board of said vessel, but, on referring to the law, concluded that he might be permitted to go *unofficially*. He finally consented, after much persuasion, to allow the surveyors also, as private individuals, to go on board. A permit for the consul and the surveyors, in writing and in such terms, was then conceded. The consul declining to proceed on board under such conditions, but without intimating, in any manner, his refusal or dissatisfaction, then requested the said surveyors to repair on board of said vessel. Owing to the lateness of the hour, they suspended action until the following morning, when they went on board, held the survey, and made their report on oath and in due form of law. It should be remarked that, before proceeding on board, these surveyors were informed by the consul that the Venezuelan vessel belonged to the President of Venezuela, and that they should be very careful to make an accurate survey and to render a just and reasonable estimate.

On the following day, at the solicitation of the American master, the consul, in a purely private capacity and acting as the agent of said master, thereto duly authorized and instructed, repaired to Caracas to see General Crespo, and, out of respect to him, to endeavor to effect an amicable and private adjustment of the affair. In company with Charles R. Rohl, esq., United States consular agent at Caracas, he called three times, when, at last, an interview was accorded, in which General Crespo remarked that, although the Venezuelan vessel belonged to him yet she was in the service of the Venezuelan Government, and that therefore we should call to see the minister of war in reference to it. During the interview Mr. J. E. Linares, a confidential friend and reputed business agent of General Crespo, was also at the house though not present. At 3 o'clock, p. m., of the same day we called to see the minister of war, and were informed by a sentry at the door that he had gone to the country, and that it was impossible to say when he would return. I then went to the legation of the United States and requested Mr. Baker, the minister, to address a note to the said minister of war, hoping by this proceeding to reach his ear. He advised me to follow up my action and to appeal to him later on, when, in his judgment, his intervention would be more effective. Having to dispatch a vessel from La Guayra I then returned there by the first train, leaving the matter in the hands of Mr. Rohl, the aforesaid United States consular agent, from whom, on Saturday evening, February 28, ultimo, I received the following dispatch:

UNITED STATES CONSULAR AGENCY,
Caracas, February 27, 1885.

SIR: As you had to leave yesterday without being able to settle the affair of the *Lanie Cobb*, and requested me to do all I could during your absence, I went to see Mr. J. E. Linares, who is, as it seems, an intimate friend of General Crespo. I told Mr. Linares I had nothing to do officially in this business, but I would be glad if a settlement could be arrived at, and that I acted as a friend to the master.

Mr. Linares was at first entirely indisposed to make any advances looking to an amicable and equitable adjustment of the difficulty, alleging that the Venezuelan master was not to blame for the accident; but after an extended conversation, during which I assured him that the American master was disposed to entertain a fair and reasonable proposition, and that such matters were usually arranged between the parties without resort to legal process, I prevailed upon him to write to Mr. W. Carias Perez, his agent in La Guayra, and consignee of the Venezuelan schooner *Ana Eulogia*, to ascertain the damage and try to come to an agreement with the master of the *Lanie Cobb*.

I beg to felicitate you over the now favorable aspect of this most disagreeable affair.

I am, &c.,

CHARLES R. ROHL.

WINFIELD S. BIRD, Esq.,

United States Consul at La Guayra.

On receipt of the foregoing dispatch, I promptly repaired to the office of Mr. W. Carias Perez, the agent of Mr. Linares, and represented to him that we had been informed that Mr. Linares had instructed him to confer with us. He replied that he had been thus instructed, and asked for a statement of our demands. I assured him that we did not come to him in that spirit, but that we only asked for a fair and equitable settlement. We requested him to make to us some proposition to that end, but he declined. We then proposed that he should select one surveyor, we would name another, and those surveyors should call a third, neither of whom should be a Venezuelan or American, who should proceed to arbitrate and settle the question, and that we would be bound by their decision. He said that the proposition was satisfactory, but that he must consult with Mr. Linares by telephone before he could accept it, and that on the following morning at 9 o'clock he would give me a definite reply. On passing along the street the same evening at 9 o'clock, however, I met with him, when, calling me to the light, he drew from his pocket a memorandum, as he stated, of his telephonic conversation with Mr. Linares, wherein he was instructed to make no compromise, but to advise us that the courts were open to us.

Thus thwarted, delayed, and finally repulsed in our earnest endeavors to arrive at a prompt and mutually satisfactory arrangement of the cause, we were at last driven to resort to legal redress in the Venezuelan courts. Accordingly on Monday morning, March 2 instant, a note was addressed and delivered to the judge of hacienda in La Guayra as follows:

[Translation.]

LA GUAYRA, *March 2, 1885.*

SIR: The American schooner *Lanie Cobb*, under my command, having suffered material damages by a collision from the Venezuelan schooner *Ana Eulogia*, I have to beg that you will please name experts to estimate the damages and to accord me justice.

Your obedient servant,

C. H. COBB, *Master.*

Mr. NICHOLAS BELLO Y BELLO,

Judge of Hacienda.

After perusing the foregoing note, said judge politely informed us that the cause was not within his jurisdiction, and referred us to the law, as follows: Article VI, Attribution VI, Chapter II, Law V of the Custom-House Regulations; also articles 118, 119, and 120, Title VII of the Marine Register. He then directed us to carry our complaint to the collector of customs, who is *ex officio* the captain of the port, and before whom all proceedings in such cases must be primarily instituted. After addressing a note to that officer, in terms exactly similar to those of the foregoing note addressed to the judge of hacienda, we went to the custom-house and delivered the same in person. On reading it he remarked that the matter was not within the scope of his duty. Even after he was cited to the law, as above referred to, and after examining it, he insisted that we should go back to the court of justice from whence we came. On returning to said court the judge, in courteous and convincing terms, ordered us back to the said collector of customs. On a final presentation of the matter to the attention of said collector, after informing us that the other vessel had left the port, which had been effected with his permission and under cover of night, he put a period to our oscillatory peregrinations and solaced our suspense by stating that he would not further consider the case.

From various unofficial sources the information comes that the authorities here claim that the Venezuelan was crossing the bows of the American, and to avoid the collision called to the latter to pay out her chain, which she neglected or refused to do, and that therefore the Venezuelan is not responsible for the casualty. In the light of all the evidence this assertion is a mere afterthought and subterfuge, since it is distinctly proven that the Venezuelan was some distance to windward, and, attempting to tack ship, failed in the effort and drifted helplessly down upon the American without dropping her anchor or hauling in any sail.

Such are the facts and circumstances surrounding this affair from inception to conclusion. * * * For the wrongs and injuries offered to the American master no words will suffice to express the sincere contempt and the profound detestation of every generous nature.

Herewith are submitted copies of all of the official papers in this cause.

I am, &c.,

WINFIELD S. BIRD.

[Inclosure 2 in No. 56.]

No. 1.]

LA GUAYRA, VENEZUELA, *February 23, 1885.*

WINFIELD S. BIRD, Esq.,

United States Consul at La Guayra :

SIR: The schooner *Lanie Cobb*, under my command, arrived at this port on the 15th instant from Savannah, Ga., laden with lumber, and in consequence of damages sustained by being run into on the 21st instant by the Venezuelan schooner *Ana Eulogia*, I have to request that you will please call a survey upon the said schooner to ascertain her present state and condition, and what had best be done for the interest of the parties concerned.

C. H. COBB, *Master.*

No. 2.]

UNITED STATES CONSULATE,
La Guayra, February 23, 1885.

EVAN JONES,

Master of the brig Fleetwing, of Cardiff, Wales;

BENJAMIN F. CUSHMAN,

Master of schooner Addie M. Bird, of Rockland, Me.;

CHARLES G. JACKSON,

Master Ship-Carpenter :

GENTLEMEN: Application having been made to this consulate by C. H. Cobb, master of the schooner *Lanie Cobb*, of Bangor, Me., of the burden of 230.85 tons, or thereabouts, for survey upon said schooner in consequence of having sustained damages and injuries on the 21st instant by being run into by the Venezuelan schooner *Ana Eulogia*, whereby she is rendered unseaworthy, you are hereby respectfully requested to repair alongside and on board of said schooner, and after a careful and minute examination and survey of every visible part of her hull, spars, sails, and rigging, report to this consulate under your own hands in writing her present state and condition, and what in your opinion had best be done for the interest of the parties concerned.

Given under my hand and the seal of this consulate the day and year above written.

[SEAL.]

WINFIELD S. BIRD,
United States Consul.

No. 3.]

LA GUAYRA, VENEZUELA, *February 24, 1885.*

WINFIELD S. BIRD, Esq.,

United States Consul at La Guayra:

SIR: Pursuant to the accompanying warrant of survey to us directed, we, the undersigned, repaired on board of the American schooner *Lanie Cobb*, of Bangor, Me., of the burden of 230.85 tons, or thereabouts, and after a careful and minute examination and survey of every visible part of her hull, spars, sails, and rigging, do report as follows :

We find the patent of windlass gone, the bowsprit broken, the cut-water gone, the bobstay bolts dragged out of the stem, the martingale and jumper-stays gone, the bee on starboard side of bowsprit gone and plate on bowsprit bent, the stays chafed, the head-rails on both sides gone, the jib-boom guy on starboard side gone, the flying-jib halyard parted, the anchor with sixty fathoms of new $1\frac{1}{8}$ -inch chain lost, thirty fathoms of new 3-inch line lost, one hawser parted, the forecastle head started, and the flying-jib damaged.

And we recommend that the master make such temporary repairs as are necessary, and proceed with dispatch to Curaçao or some other contiguous and safe port in order to make permanent repairs. In confirmation of which we are willing, if required, to attest.

Given under our hands at La Guayra this the 24th day of February, A. D. 1885.

EVAN JONES,

Master of the brig Fleetwing, of Cardiff, Wales.

BENJAMIN F. CUSHMAN,

Master of the schooner Addie M. Bird, of Rockland, Me.

CHARLES G. JACKSON,

Master Ship-Carpenter, of Maiquetia, Venezuela.

No. 3½.]

Estimate of repairs.

Estimate of the probable cost of repairing the schooner Lanie Cobb, of Bangor, Me., agreeably to the report of the survey of the 24th February instant; and in accordance with the cost of labor and material at the port of La Guayra, as follows, viz:

For repair of windlass.....	\$25 00
For new bowsprit.....	300 00
For a cut-water.....	350 00
For repairing bobstays.....	10 00
For new martingale and jumper-stays.....	25 00
For new bees and plate on bowsprit.....	50 00
For repairing stays.....	15 00
For new head-rails.....	20 00
For new jib-boom guy.....	20 00
For new flying-jib halyard.....	12 00
For new anchor, 1,600 pounds, at 8 cents.....	128 00
For 60 fathoms new 1⅛-inch chain, 7,500 pounds, at 10 cents.....	750 00
For 30 fathoms new 3-inch line.....	6 00
For repairing hawser.....	5 00
For repairing forecastle head.....	15 00
For repairing flying-jib.....	5 00
Total repairs.....	1,736 00
For two weeks' delay.....	250 00
Total in United States gold.....	1,986 00

LA GUAYRA, VENEZUELA, *February 24, 1885.*

We, the undersigned, surveyors of the schooner Lanie Cobb, of Bangor, Me., aver on oath that the above and foregoing estimate of repairs is accurate and just, to the best of our knowledge and belief.

EVAN JONES,

Master of brig Fleetwing, of Cardiff, Wales.

BENJAMIN F. CUSHMAN,

Master of schooner Addie M. Bird, of Rockland, Me.

CHARLES G. JACKSON,

Master Ship-Carpenter, of Maiquetia, Venezuela.

Sworn to and subscribed before me this 24th day of February, A. D. 1885.

[SEAL.]

WINFIELD S. BIRD,

United States Consul.

Received, La Guayra, February 24, 1885, of Winfield S. Bird, United States consul, the sum of \$5 each, for holding the foregoing survey and making estimate of repairs.

EVAN JONES.

BENJAMIN F. CUSHMAN.

CHARLES G. JACKSON.

No. 4.]

UNITED STATES CONSULATE,

La Guayra, February 24, 1885.

I, the undersigned, consul of the United States at the port of La Guayra, do hereby certify that the foregoing are the true and genuine signatures of Evan Jones, Benjamin F. Cushman, and Charles G. Jackson, surveyors, appointed by me, of the American schooner Lanie Cobb, of Bangor, Me., and as such are entitled to full faith and credit.

Given under my hand and the seal of this consulate this the day and year above written.

[SEAL.]

WINFIELD S. BIRD,

United States Consul.

[Inclosure 3 in No. 56.]

UNITED STATES CONSULATE,

La Guayra, February 28, 1885.

By this public instrument of declaration and protest be it known and made manifest unto all to whom these presents shall come or may concern, that on this the 28th day of February, A. D. 1885, before me, Winfield S. Bird, consul of the United States at the port of La Guayra, personally comes C. H. Cobb, master of the American schooner Lanie Cobb, of Bangor, Me., U. S. A., of the burden of 230.85 tons or thereabouts, recently ar-

rived at the port of La Guayra from Savannah, Ga., U. S. A., laden with lumber, and requires me to note his protest: and together with the said C. H. Cobb, master, also came W. M. Wentworth, mate, and H. P. Baker, seaman, of and belonging to the crew of said schooner Lanie Cobb, all of whom being by me duly sworn on the Holy Evangelists of Almighty God, did severally, voluntarily, freely, and solemnly declare, depose, and state as follows, that is to say:

That these appearers, in their capacities aforesaid, arrived in and with the said schooner at La Guayra, Venezuela, without accident or casualty on the 15th day of February, A. D. 1885, at 3 o'clock p. m., and took good and safe anchorage in said port of La Guayra; that on Saturday, the 21st day of February instant, at 4 o'clock in the evening, the Venezuela schooner Ana Eulogia, belonging, as they are informed and believe, to the Venezuelan Government, started to sail out of the port of La Guayra; that she stood across the bow of the Lanie Cobb, and that when she was to the windward and about 400 feet from the said Lanie Cobb, then lying safely at anchor, she attempted to tack ship and mistacked, and that thereupon, making no effort to haul down any sail nor to drop anchor, she drifted down upon the said schooner Lanie Cobb; that no anchor was dropped from the said schooner Ana Eulogia before she drifted upon said schooner; that some party on board of the Ana Eulogia hailed the Lanie Cobb, but that their language was in Spanish and could not be understood, but that said party did not hail until the schooners were in collision; that the mate of the Lanie Cobb called out in English before the collision occurred to the parties on board of the Ana Eulogia to drop anchor and he would pay out his chain; that no anchor was dropped; that before the Ana Eulogia struck the Lanie Cobb the mate of the latter vessel began to pay out the chain; that the said Ana Eulogia drifted against the Lanie Cobb, and to save the latter from further damage or total loss her anchor and chain was slipped; that when the chain was slipped a line was bent into it, but that the keel of the Ana Eulogia cut the line and the anchor and chain were lost; that thereupon the Lanie Cobb drifted away from the said schooner, and with her second anchor was anchored in a most dangerous position near the beach; that her windlass patent was broken, and she was therefore so disabled that it was impossible to extricate her from her perilous situation; that in the collision the windlass patent was broken, the cutwater, obstays, martingale, and all head-gear were broken, and the bowsprit and all attached to it was carried away.

And these appearers, upon their oaths aforesaid, do further declare and say: that at the time of during and after said casualty they, together with the others of the ship's company, used their utmost endeavors to preserve the said Lanie Cobb from all manner of loss, damage, or injury.

Wherefore, the said C. H. Cobb, master, hath protested, as by these presents I, the said consul, at his special instance and request, do publicly and solemnly protest against all and every person and persons whom it doth or may concern, and against the winds and waves and billows of the seas, and against all and every accident, matter, and thing had and met with as aforesaid, whereby and by reason whereof the said vessel Lanie Cobb already has or hereafter shall appear to have suffered or sustained damage or injury. And do declare that all losses, damages, costs, charges, and expenses that have happened to the said Lanie Cobb are and ought to be borne by those to whom the same by right may appertain, by way of average or otherwise, the same having occurred as before mentioned and not by or through the insufficiency of the said Lanie Cobb, her tackle or apparel, or default or neglect of this appearer, his officers or any of his mariners.

This done and protested in the port of La Guayra this the 28th day of February, A. D. 1885.

C. H. COBB, *Master.*

W. M. WENTWORTH, *Mate.*

H. P. BAKER, *Seaman.*

In testimony whereof these appearers have hereunto subscribed their names, and I, the said consul, have granted to the said master this public instrument, under my hand and the seal of this consulate, to serve and to avail him and all others whom it doth or may concern as need and occasion may require.

[SEAL.]

WINFIELD S. BIRD,
United States Consul.

[Inclosure 4 in No. 56.]

UNITED STATES CONSULATE,
La Guayra, March 2, 1885.

Before me, Winfield S. Bird, consul of the United States at La Guayra, personally appeared Benjamin F. Cushman, master of the American schooner Addie M. Bird, of Rock-

land, Me., who, being by me duly sworn on the Holy Evangelists of Almighty God, voluntarily and freely deposes and states, as follows:

On the evening of February 21, 1885, I witnessed the casualty that occurred to the American schooner Lanie Cobb, then lying quietly at anchor in the port of La Guayra. I saw the Venezuelan schooner Ana Eulogia as she filled away, her foretop boom high up and sheet well off, so that the foresail was not full to the wind, and could not, therefore, drive the vessel from across the bows of the American schooner. I remarked immediately to my mate that she would collide with the American schooner. When the Venezuelan captain saw the danger he undertook to tack ship, but never hauled in any head sail; and so he drifted down about three hundred feet on to the American schooner without attempting to drop anchor. And even after he was afoul of the American schooner and across her bows he never hauled in any sail except the mainsail. While afoul of the American schooner a kedge anchor was run from the Venezuelan schooner to windward, but failing still to haul in sail, the American was helpless to free herself from the Venezuelan schooner without slipping her anchor, which was promptly done.

BENJAMIN F. CUSHMAN,
Master Addie M. Bird.

Sworn to and subscribed before me this the day and date first aforesaid, as witness my hand and official seal.

[SEAL.]

WINFIELD S. BIRD,
United States Consul.

[Inclosure 5 in No. 56.]

UNITED STATES CONSULATE,
La Guayra, March 2, 1885.

By this public instrument of declaration and protest be it known and made manifest to all to whom these presents shall come or may concern, that on this day before me, Winfield S. Bird, United States consul at the port of La Guayra, personally came and appeared C. H. Cobb, master of the American schooner Lanie Cobb, now lying in this port of La Guayra, who, being duly sworn upon the Holy Evangelists of Almighty God, does voluntarily, freely, and solemnly depose and state as follows; that is to say:

That on the evening of the 21st day of February, 1885, the Venezuelan schooner Ana Eulogia, which schooner, according to information and belief, is either owned or chartered by the Venezuelan Government, ran afoul of the said Lanie Cobb, then lying quietly at anchor, and seriously damaged and injured said schooner Lanie Cobb; that he called a survey upon said ship and sought to have the matter settled amicably, without resort to law, to this purpose engaging the good offices of the United States consul at La Guayra and the United States consular agent at Caracas; that no offer of arrangement or compromise was made to him, and that all offers of compromise made on his part were peremptorily refused; that, in the mean time, the port authorities had permitted the Ana Eulogia to sail from the port of La Guayra; that on Monday a. m., the day and date herein first aforesaid, he addressed a note to the judge of hacienda, in La Guayra, asking a survey on his vessel, and measures of justice, by whom he was referred to the collector of customs; that he thereupon addressed a note in similar terms to the collector of customs but that the said collector referred him back to the said judge; that thereafter the said judge refused to act in the matter and referred him back to the said collector; that on again recurring to said collector, he absolutely refused to offer or afford to him, the said C. H. Cobb, any relief or any measure looking toward relief.

Wherefore the said master, C. H. Cobb, hath protested, as by these presents I, the said consul, at his special instance and request, being fully cognizant personally of the truth of every statement made on this, his said declaration and protest, do publicly and solemnly protest against all and every person and persons whom it doth or may concern, and against the winds and waves and billows of the seas, and against all and every accident, matter, and thing had and met with aforesaid, whereby and by reason whereof the said schooner Lanie Cobb already has or hereafter shall appear to have suffered or sustained damage or injury, and especially against the action of the legal authorities of the Republic of Venezuela as aforesaid. And do declare that all losses, damages, costs, charges, expenses, and delays that have happened to the said schooner Lanie Cobb are and ought to be borne by those to whom the same by right may appertain by way of average or otherwise, the same having occurred as before mentioned and not by or through the insufficiency of the said Lanie Cobb, her tackle or apparel, or default or neglect of this appearer, his officers or any of his mariners.

Thus done and protested in the port of La Guayra this the 2d day of March, A. D. 1885.

In testimony whereof this appearer has hereunto subscribed his name, and I, the said consul, have granted to the said master this public instrument under my hand and the seal of this consulate, to serve and to avail him and all others whom it doth or may concern as need and occasion may require.

[SEAL.]

WINFIELD S. BIRD,
United States Consul.

C. H. COBB,
Master Schooner Laney Cobb.

No. 688.

Mr. Bayard to Mr. Baker.

No. 58.]

DEPARTMENT OF STATE,
Washington, April 21, 1885.

SIR: Referring to the correspondence on file at your legation concerning the deposit of ships' papers, and especially to your No. 768, of October 15, 1883, I have now to inclose a copy of a dispatch, No. 204, of the 18th ultimo, from the United States consul at La Guayra relative to the embarrassing and inconvenient practice of the Venezuelan authorities in retaining the registers of American vessels while in the ports of that Republic.

You will at once take occasion to press upon the Venezuelan Government the necessity for a modification of the law complained of for the conclusive reasons already advanced.

You may, if you deem it necessary, confer with your British colleague in the matter and act in concert. But the subject is one which should receive early and attentive consideration.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 58.]

Mr. Bird to Mr. Hunter.

No. 204.]

UNITED STATES CONSULATE,
La Guayra, March 18, 1885.

SIR: I have the honor to transmit herewith a copy of a communication received this day from the United States consular agent at Carupano.

The custom of retaining possession of registers of vessels, as practiced by the Venezuelan authorities, therein complained of, causes annoyance and inconvenience to masters and consuls, and the attention of the Department of State has been called to the subject in dispatch No. 12, of date March 22, 1881, from Mr. Siler, my predecessor in office, as well as in my dispatch numbered 12, of date September 21, 1881.

I am, &c.,

WINFIELD S. BIRD,
Consul.

[Inclosure 2 in No. 58.]

Mr. Quesnel to Mr. Bird.

CARUPANO, *March 16, 1885.*

SIR: I send you by safe way vouchers directed to the United States minister to Caracas, and pray you to use same very safe way to have them forwarded to Mr. Baker. By reading my letter to him you shall be quite informed of what is going on.

I have now to inform you that in the last thirty days we have had four American schooners carrying corn, and that the two last ones went away without taking their papers in the consulate nor filing the requested documents. These schooners are the Willie A. McKay, Capt. Angus K. Mathison, started for Barracoa, Puerto Rico, and the Wide Awake, Winfield, master, started for Maracaibo, where she could be seized. This proves once more that it is inadmissible that the custom-house authorities in the ports of Venezuela take the papers of an American vessel, and give them back to the captain without passing through the consul. It should be negotiated with the Venezuelan Government that the papers must be remitted to the custom-house by the consuls and give back to them. If such had been the case when the Ethel A. Merritt arrived here, I am confident that no struggle would have arisen.

Yours, &c.,

ROBERT QUESNEL.

No. 689.

Mr. Bayard to Mr. Baker.

No. 59.]

DEPARTMENT OF STATE,
Washington, April 22, 1885.

SIR: Adverting to my instructions to your No. 51, of March 24 last, and No. 56, of the 9th instant, I have now to transmit for your further information a copy of a dispatch from the United States consul at La Guayra, No. 202, of the 16th ultimo, giving additional incidents relative to the casualty sustained by the American vessel Lanie Cobb, of Bangor, Maine, in the port of La Guayra.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 59.]

Mr. Bird to Mr. Hunter.

No. 202.]

UNITED STATES CONSULATE,
La Guayra, March 16, 1885.

SIR: As pertinent to the subject of dispatch numbered 201 of date March 14, instant, from this consulate, and as supplemental thereto, I have the honor to communicate the following additional information:

On the morning of February 22, ultimo, the day after the casualty to the American vessel Lanie Cobb, the master of the Venezuelan vessel, Ana Eulogia, was ordered to Caracas, and on arrival there was committed to prison, where he still remains. The crew of the Lanie Cobb stated that the said master was in his cabin in a state of intoxication when the collision occurred, and from his known intemperate habits this statement may be regarded as highly probable.

Attention is directed to the fact that although the captain of the port was informed on February 24 ultimo, through an official note from this consulate as well as in a personal and official interview with him on the same day, of the damages done to the American vessel by the Venezuelan vessel, yet, contrary to all precedent in such cases, he permitted the Venezuelan vessel to sail from the port on the following night.

On the 2d instant, as the American vessel was about to sail a party of Venezuelan officials went alongside or on board of her. It has been since learned that they had resolved themselves into some sort of commission, had investigated the matter in the absence of the crews of both vessels, and without any notice given to this consulate, and had arrived at a judicial conclusion that the American was not entitled to recover damages, and that *this action had been submitted to and approved* by the President himself.

I am, &c.,

WINFIELD S. BIRD.

No. 690.

Mr. Baker to Mr. Bayard.

No. 80.]

LEGATION OF THE UNITED STATES,
Caracas, April 22, 1885. (Received May 7.)

SIR: With reference to your dispatch numbered 51, of date 24th ultimo, relative to the case of the American schooner *Lanie Cobb*, and instructing me to investigate the case and report whether, in my opinion, the facts are such as to warrant a demand by our Government against that of Venezuela for damages in favor of the master of the *Lanie Cobb*, I write to make the preliminary statement that I have given the matter of your said instruction my promptest practicable attention, and have addressed a dispatch to Mr. Bird, United States consul at La Guayra, of this date (of which I inclose a copy herewith), requesting him to transmit to this legation as promptly as practicable all the information his consulate may be in possession of relative to the case, thus seeking the data essential to the formation of a proper opinion in the case.

I am, &c.,

JEHU BAKER.

[Inclosure in No. 80.]*Mr. Baker to Mr. Bird.*LEGATION OF THE UNITED STATES,
Caracas, April 22, 1885

SIR: I have recently received an instruction from the Department of State relative to the alleged careless injury of the American schooner *Lanie Cobb* by the Venezuelan schooner *Ana Eulogia*, at the port of La Guayra, on the 21st of February last, instructing me to investigate the case, and to report whether in my opinion the facts are such as to warrant a demand by our Government on that of Venezuela for damages in favor of the master of the *Lanie Cobb*. I will thank you, therefore, if you will transmit to this legation, as promptly as practicable, all the official information which your consulate may be in possession of relative to the case.

I am, &c.,

JEHU BAKER.

No. 691.*Mr. Bayard to Mr. Baker.*

No. 60.]

DEPARTMENT OF STATE,
Washington, April 24, 1885.

SIR: I have to acknowledge the receipt of your No. 49, of the 23d ultimo, and to approve your revival of the question of the custody of ships' papers in Venezuelan ports, which it announces. You will press the subject with all due earnestness to a successful conclusion. The Department's recent instruction respecting the matter will demonstrate its importance.

I am, &c.,

T. F. BAYARD.

No. 692.

Mr. Baker to Mr. Bayard.

No. 88.]

LEGATION OF THE UNITED STATES,
Caracas, May 6, 1885. (Received May 22.)

SIR: Referring to your No. 51, of date March 24 last, and to my No. 80, of date 22d ultimo, both relative to the case of the American schooner *Lanie Cobb*, and also to your subsequently received Nos. 56 and 59, of the respective dates of the 9th and 22d ultimo, relative to the same subject, I have the honor to inclose herewith:

(1) A copy of a dispatch (No. 43) from Mr. Bird, United States consul at La Guayra, to myself, of date 25th ultimo, inclosing to me the official information relative to the injury done to the American schooner *Lanie Cobb* by the Venezuelan schooner *Ana Eulogia*.

(2) A copy of another dispatch (No. 44) from Mr. Bird to myself, of date the 4th instant (written at Caracas), indicating that he had been informed, and that he believed, that the master of the *Lanie Cobb*, at some trifling expense, recovered his anchor and chain before sailing from the port of La Guayra, which, in the estimate of repairs, were valued in the sum of \$878; and further indicating that all the official information in the case, as furnished me in his said No. 43, was promptly transmitted to the Department of State.

In compliance with your said instruction No. 51, I have given the case all possible attention at the earliest practicable moment, with the result that the officially-stated facts in the case, from the consulate at La Guayra, appear to me to warrant a demand by our Government on that of Venezuela for damages in favor of the master of the *Lanie Cobb*, keeping in view what Mr. Bird says respecting the recovery of the anchor and chain of said vessel.

However, from abundance of caution, I will add, that inasmuch as it appears that the officially-stated facts in the case, from the consulate at La Guayra, are now before the Department as before this legation, I recommend that they be carefully and critically examined before preferring the claim.

I am, &c.,

JEHU BAKER.

[Inclosure 1 in No. 88.]

Mr. Bird to Mr. Baker.

No. 43.]

UNITED STATES CONSULATE,
La Guayra, April 25, 1885.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 35, of date 22d instant, and, in compliance with the terms of the same, to submit herewith all the official information relative to the injury done to the American schooner *Lanie Cobb* by the Venezuelan schooner *Ana Eulogia*.

I am, &c.,

WINFIELD S. BIRD,
United States Consul.

[Inclosure 2 in No. 88.]

Mr. Bird to Mr. Baker.

No. 44.]

UNITED STATES CONSULATE,
City of Caracas, May 4, 1885.

SIR: As supplementary to the official information in the matter of damages to the American schooner *Lanie Cobb*, communicated to you in dispatch No. 43, of date April 25 ultimo, from the United States consulate at La Guayra, I have to state that I have

been informed, and believe, that the master of the *Lanie Cobb*, at some trifling expense, recovered his anchor and chain before sailing from the port of La Guayra, which, in the estimate of repairs, were valued in the sum of \$878. All the official information in this case, as furnished you in the above mentioned dispatch, was promptly transmitted to the Department of State at Washington.

I am, &c.,

WINFIELD S. BIRD,
United States Consul.

No. 693.

Mr. Baker to Mr. Bayard.

[Extract.]

No. 93.]

LEGATION OF THE UNITED STATES,
Caracas, May 11, 1885. (Received May 22.)

SIR: Your No. 58, of date 21st ultimo, relative to the custody of ships' papers in Venezuelan ports, was received on the 5th instant, and at the earliest possible moment I have executed the instruction therein contained by addressing a note on the subject, of this date, to Señor Quienza, a copy of which I inclose herewith.

You will have seen from my No. 49, of date March 23, that I had properly resumed the matter before the date of your said No. 58.

* * * * *

I have certainly urged the matter insistently and persistently, but there appears to be an obstinate reluctance on the part of this Government to make the desired change in the laws of the country respecting the custody of foreign ships' papers; and, as tending to explain this reluctance, I draw special attention to my No. 912, of date April 30, 1884.

I am, &c.,

JEHU BAKER.

[Inclosure in No. 93.]

Mr. Baker to Mr. Quienza.

LEGATION OF THE UNITED STATES,
Caracas, May 11, 1885.

SIR: Referring to the interview I had with your excellency on the 23d of March relative to the custody of foreign ships' papers while in the ports of Venezuela, and referring generally to the antecedents of that matter in your excellency's ministry, and especially to my memorandum on the subject, of date May 10, 1883, and of what Señor Seijas said relative thereto in his Memoria for 1884, page 43, I have the honor to inform your excellency that on the 5th instant I received a very earnest and urgent, though entirely friendly, despatch from my Government in relation to the same matter, in which I am instructed "to at once take occasion to press upon the Venezuelan Government the necessity for a modification of the law complained of for the conclusive reasons already advanced."

Your excellency will observe from the cited memoria of Mr. Seijas that the Government of Great Britain has concurred with that of the United States in the "desire that a change may be introduced in the national legislation which may permit the respective consuls to keep such documents, now deposited by authority of the law in the custody of the custom-house administrators."

I believe the reasons set out in my said memorandum are conclusive. I know that the feeling of your excellency's government towards the United States is remarkably friendly, and I again earnestly and urgently, but in the most friendly manner possible, draw attention to the propriety and importance of making the desired change in the existing law of Venezuela on the subject of the custody of foreign ships' papers while in her ports.

I with pleasure avail, &c.,

JEHU BAKER.

No. 694.

Mr. Scott to Mr. Bayard.

No. 12.]

LEGATION OF THE UNITED STATES,
Caracas, July 3, 1885 (Received July 31.)

SIR: I have the honor to transmit the following inclosures: No. 1, note from Dr. Benjamin Qüenza, minister of exterior relations, inclosing a decree of President Crespo in relation to the revolutionary steamer Justicia Nacional. No. 2, decree referred to in No. 1; No. 3, reply of Mr. Scott to Dr. Qüenza's note of the 1st instant.

The inclosures will convey to you partially the political condition of affairs now existing in Venezuela; and from an interview had with Dr. Qüenza, minister of exterior relations, he expressed the view that the present revolution was of no magnitude and would soon be suppressed by his Government.

As far as personal observations can ascertain anything, the Government in the last ten days has been very active in enlisting troops in and around Caracas, and large bodies of armed soldiers have already been sent to the front with the intention of suppressing the rebellion.

Carupano seems to be the only portion of Venezuela that is in the possession of the enemy, and the head of the revolutionary element seems to be one General Pulgar, who is said to be in command of the steamer referred to in inclosure No. 1.

If anything of importance should occur between now and the sailing of the mail steamer Caracas on the 7th instant, I will communicate the same to the State Department.

I have, &c.,

CHARLES L. SCOTT.

[Inclosure 1 in No. 12.—Translation.]

Dr. Qüenza to Mr. Scott.

CARACAS, *July 1, 1885.*

SIR: On the eastern coast of the republic a revolutionary movement has appeared against the Government of the nation and its institutions, and the President has ordered me to bring it to the knowledge of your excellency, and to send, as I have the honor of now doing, a copy of the official gazette containing a decree which declares piratical the steamer which the disturbers of the public order have called "Justicia Nacional," and which they have taken to serve them in effecting their predatory plans. The Government has confidence that your excellency will efficiently co-operate in the sphere of your powers and duties to overthrow the reckless, extravagant design resulting from these mad and wicked aspirations.

Accept, &c.,

BENJ. QUENZA.

[Inclosure 2 in No. 12. Translation.]

Decree of President Crespo.

The constitutional President of the United States of Venezuela, considering, that the Venezuelans harbored in the Antilles have not ceased to conspire against the peace of the United States of Venezuela, even to the point of equipping a steamship of war, with which they have skirted the coast of the Republic, dispersing and attempting to capture the ships with which the Government guards them, and continue to do so; and said vessel, not being commissioned by any nation, has no right to be upon the ocean,

and in order to prevent the serious injury which such piracy, without government or flag, may do to both national and foreign commerce, decrees as follows:

ARTICLE 1. The steamer which is called the Nacional Justicia by the revolutionists who have embarked upon her, commanded by General Venancio Pulgar, and bound for the shores of Venezuela, will be considered and punished as a pirate.

ART. 2. The said steamer may be pursued and captured by privateers whether they belong to Venezuela or any other nation.

ART. 3. In case the capture shall be made by foreign public ships or by privateers the Government of Venezuela will make no claim to the prize, which will be ceded to the captors with an additional reward of 50,000 bolivares, to be adjudged them out of the public treasury.

ART. 4. Citizens or foreigners who, in consequence of this decree, desire to equip privateers will request permission of the Government of the Republic conformably to the ordinance in force.

ART. 5. The prize will be adjudged by the competent tribunals conformably to the existing laws of the Republic and the provisions of this decree.

ART. 6. The ministers of war, of marine, of exterior relations and finance are charged with the enforcement of this decree, and with communicating it to all whom it may concern.

Given, signed, and sealed with the great seal of the Federal Executive and countersigned by the ministers of war, marine, exterior relations, and finance, at the Federal Palace of Caracas, on the 30th June, 1885, in the 22d year of the law and 27th of the federation.

JOAQUIN CRESPO.

[Inclosure 3 in No. 12.]

Mr. Scott to Dr. Qüenza.

LEGATION OF THE UNITED STATES,
Caracas, July 2, 1885.

SIR: I have the honor to acknowledge the receipt of your note, dated July 1, 1885, inclosing to me a copy of the decree with reference to the steamer Justicia Nacional. I will convey the intelligence contained in your note to my Government at the earliest opportunity.

Accept, &c.,

CHARLES L. SCOTT.

No. 695.

Mr. Scott to Mr. Bayard.

No. 16.]

LEGATION OF THE UNITED STATES,
Caracas, July 7, 1885. (Received July 21.)

SIR: You will perceive by a reference to dispatch No. 12, dated the 3d instant, that the attention of our Government was called to a revolutionary movement in Venezuela, and also inclosure of a note from Dr. Qüenza, the minister of exterior relations, with a decree from the President of Venezuela, declaring the vessel, the steamer Justicia Nacional, a pirate.

Since writing the above dispatch a battle between the Government and the revolutionary forces has been fought at Carupano, and the latter are reported to have been defeated and routed, and have fled to the island of Margarita, of which they are in possession, and still assume a hostile attitude to this Government.

Knowing and appreciating the attitude which our Government has recently assumed in protecting the lives, liberty, and property of American citizens in the United States of Colombia and Ecuador, and being apprehensive that the rights of American citizens might be jeopardized,

I requested an interview with Dr. Qüenza in relation to the pending disturbance in Venezuela, which was courteously granted.

At 4 o'clock p. m. on the 7th instant, I met the minister of exterior relations, at his office, in accordance with a previous arrangement, and inquired particularly of him in regard to the progress of the revolution. He replied that he "believed that the revolution was suppressed, and that the steamer Justicia Nacional would soon be captured by his Government."

Feeling interested and anxious about the large commercial interest which numerous citizens of the United States possessed in Maracaibo, Puerto Cabello, and La Guayra, I asked him if there was not danger of the Justicia Nacional capturing some one of these ports on the Venezuelan coast before she was taken by his Government. He replied "that there was no danger of this occurring, as all these ports had forts of sufficient armament that would easily sink this vessel if she attempted to enter any of them."

I then asked him "if there was danger of American vessels being interfered with on the high seas by the Justicia Nacional." He replied "there was danger of this vessel interfering with small vessels, and that he considered it advisable for the United States Government to send a ship of war to Venezuelan waters to protect American commerce."

As far as I am able to judge or form an opinion from surrounding circumstances and transpiring events, I think it would be a precautionary act to send a United States ship of war to the Venezuelan coast, as it would be an intimation to this Government, as well as to the revolutionists, that the United States intended to protect all American interests and rights here. The wise and brave policy pursued by our Government on the Isthmus of Panama saved many lives and much property, and, recognizing that "an ounce of preventive is worth a pound of cure," I think that a ship of war being sent down to Venezuelan waters at this juncture of political affairs in this country, might be productive of much good, and could not possibly result in any harm.

I have, &c.,

CHARLES L. SCOTT.

No. 696.

Mr. Scott to Mr. Bayard.

No. 19.]

LEGATION OF THE UNITED STATES,
Caracas, July 9, 1885. (Received July 21.)

SIR: On the eve of the departure of the steamer Caracas for the United States, I received the inclosed communication from the minister of exterior relations, in which he announces that the decree of the 30th of June, in regard to the Justicia Nacional, and referred to in my dispatch No. 12, as inclosure No. 1, has been amended so as to include the steamer El Torito. I have the honor to submit the same to your consideration, with previous dispatches on the same subject.

I have, &c.,

CHARLES L. SCOTT.

Inclosure 1 in No. 19.—Translation.]

Mr. Qüenza to Mr. Scott.

CARACAS, July 9, 1885.

SIR: I have the honor to inclose a copy of No. 3556 of the Official Gazette, in which is inserted the executive decree of the 7th instant, declaring pirates the steamers Justicia Nacional and El Torito, formerly the Annette, the previous decree of June 30 being so far modified.

Accept, &c.,

BENJ. QÜENZA.

[Inclosure 2 in No. 19.]

Mr. Scott to Mr. Qüenza.

LEGATION OF THE UNITED STATES,
Caracas, July 9, 1885.

SIR: I have received your communication of the 9th instant informing me that the decree issued by your Government on the 30th of June, 1885, had been so amended as to include the steamer El Torito. This fact has already been announced and will be conveyed to my Government by the mail steamer which takes its departure for the United States on to-morrow.

Accept, &c.,

CHARLES L. SCOTT.

No. 697.

Mr. Bayard to Mr. Scott.

No. 15.]

DEPARTMENT OF STATE,
Washington, July 24, 1885.

SIR: With reference to your dispatches No. 12, of the 3d instant, and No. 19, of the 9th instant, reporting the decree of the Venezuelan Government declaring the revolutionary steamers Justicia Nacional and El Torito to be pirates, I have to inclose herewith, for your guidance in framing an answer to the notes addressed to you by the Venezuelan minister for foreign affairs, copy of the correspondence* which has recently occurred between this Department and the legations of Colombia and Venezuela at this capital, from which you will perceive that the question of the competency of a sovereign, by municipal decree, to invest a revolted national ship in the hands of organized insurgents with the international character of piracy, recently arose in the case of a like decree promulgated by Colombia, and that our answer was that we could not recognize such competency, and that the character of the vessel and her acts, *per se*, could alone determine her piratical or non-piratical status under the law of nations.

I am, &c.,

T. F. BAYARD.

No. 698.

Mr. Scott to Mr. Bayard.

No. 21.]

LEGATION OF THE UNITED STATES,
Caracas, July 24, 1885. (Received August 11.)

SIR: I had the honor to inform you in my dispatch No. 12 that the Republic of Venezuela was threatened with revolution, and also, in dis-

* For correspondence referred to see documents numbered 194, 197, 211, 708, and 709, pages 252, 254, 272, and 935.

patch No. 16, that it would be advisable to send a ship of war to Venezuelan waters to protect American commerce.

Since the forwarding of the said dispatches referred to, the Venezuelan Government has been very active in suppressing the rebellion, and, as you will perceive by the inclosures herein transmitted, has been triumphant and successful in its efforts, and peace has been once more re-established, and order now prevails in this Republic.

As far as my personal observations extend, the present peace seems to be substantial, for the revolutionists are apparently hopelessly defeated and without resources to renew their revolt against the present Government.

Congratulating our Government on the satisfactory termination of the late Venezuelan difficulties and troubles,

I am, &c.,

CHARLES L. SCOTT.

[Inclosure 1 in No. 21.—Translation.]

Mr. Lander to Mr. Scott.

CARACAS, *July 20, 1885.*

SIR: In a document, notable both on account of its form and contents, the President of the Republic announces to the Venezuelan nation the triumph of peace, declaring constitutional order re-established. With great satisfaction I call to your excellency's attention this pleasing event, making manifest as it does, the hearty assistance rendered by the people of the Republic, who with all ardor have united themselves with the Government to make abortive this reckless and chimerical attempt; and so efficaciously that a few days have been sufficient for the purpose.

The enemies of public order having been conquered and at once pardoned, the regenerated Republic will continue calmly on the path of progress, to which it is called by its fixed destiny, led by the distinguished chief of the nation, whose lofty qualities have manifested themselves as plainly in the peaceful labors of the cabinet as in the arduous tasks of armed conflict.

Feeling sure of the friendly feelings which your excellency entertains for the people and Government of the Republic, and on that account you will receive this news with pleasure, I at once communicate it to you, and I inclose herein a copy of the eloquent document to which I have alluded.

Assuring, &c.,

MANUEL THOMAS LANDER.

[Inclosure 2 in No. 21.—Translation.]

Joaquin Crespo, constitutional President of the United States of Venezuela,
to his fellow-citizens:

I announce to you the triumph of peace. Before everything else we have to congratulate ourselves and the regenerated country on the happy termination of the unjustifiable rebellion, which lasted less than one month, and in only twenty-two days has been suppressed at Carupano, in Margarita, and on the sea. We have all performed our duty and look for no other reward than that of feeling assured of the welfare of the Republic and of the grateful fruition of satisfied conscience.

Hardly was the cry of insurrection raised in the east, when the national sentiment, with patriotic enthusiasm and the loftiest reliance upon the law, protested against the disorder of the revolt and against the wicked inspiration of hate, which the factious exiles, themselves proscribed for the crime of their mad ambition, unfurled as their flag. Chiefs without authority dreamed of climbing into power over ruin and death; of involving Venezuela in the darkness of crime; of breaking to pieces the constitution on the ruins of the Liberal party, and of establishing the dominion of force, the right of violence, the license of rancorous passion, the authority of furious reaction, and the barbarous rule of lawlessness.

Against this picture of desolation Venezuela took her place on the side of beneficent peace, and the Government whose duty it was to defend her organized armies with the activity which the case demanded to reach by sea and by land the wretched invader to-day overtaken by the punishment of defeat.

If for the shameful crime of rebellion and disloyalty neither the humiliation of defeat nor the terrors of conscience, nor the shame of failure, nor the inexorable stroke of justice are enough, there remains still for the misguided and deceived unfortunates the disdain of foreigners and the indifference of oblivion. For our country their mother weeps with lacerated heart the madness of her sons, laments the blood that has been shed, and asks for all, with her unbounded pity, that forgiveness and that oblivion. In the august presence of the Republic let us have done with every wicked personal division, let us calm our hatred and resentment; let us know how to bear with much, and to love one another with the common love of country, which imposes upon and claims from us every kind of sacrifice. If the language employed to announce to you the deplorable rising was harsh, that was justified by the passion of the moment, and the holy anger of wounded patriotism, and the cry of fury caused by the punishment of crime which does not produce such pain as the treacherous kiss of perfidy.

After the combat, after the sad performance of our duty, after the victory, we have to lament the misfortune which has occurred and cast the mantle of clemency over the nakedness of our faults, and profoundly lament that the conquered of yesterday have not desired, as they ought, to save the precious interests of this glorious country. The Republic has given solemn proof that the public peace cannot be interrupted easily or with impunity; and, now recuperated by the general and mighty aid rendered by the nation in support of the laws, by the simultaneous efforts of the good and loyal, who have rallied about the Government, we will enter at once upon the process of election, which is to crown with the splendor of liberty the termination of the last struggle against the ferocious monster of civil war. The laws are enough for the prosperity of the Republic; the law which has been defended is the same law which saves us; to obey it, to glorify it, is now our common object; the rights and duties of the citizens are harmonized, and this is what constitutes public order; the precepts of the law having been fulfilled by authority which if they involve the rigor of public punishment, do not prevent the opportune exercise of magnanimity; the citizen having been endowed with all his rights, and especially with that of the exercise of the free and orderly duty of suffrage, Venezuela will set forth to her glorious destiny under the government of the constitution, the sole majesty of the Republic; we will build up the peace of the future, and assure to ourselves forever the glory of the national regeneration.

Venezuela, full of faith I promised you the speedy announcement of peace, and I now declare re-established the constitutional order—it is my honor to return to you intact, this precious treasure, and if the performance of this duty merits crowns of triumph I will place them on the brows of the victors, to whom I give, for my country and for myself, the expression of my gratitude and a congratulatory embrace.

JOAQUIN CRESPO.

CARACAS, *July 19, 1885.*

[Inclosure 3 in No. 21.]

Mr. Scott to Mr. Lander.

LEGATION OF THE UNITED STATES,
Caracas, July 22, 1885.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th instant, informing me of the establishment of peace in Venezuela, and also inclosing a copy of the most admirable and patriotic address of General Joaquin Crespo, President of the Republic of Venezuela, announcing the same, and congratulating his people on the happy result.

I assure your excellency that the above important intelligence has been received with profound pleasure and sincere gratification, as the result gives assurance of the future peace, weal, and prosperity of Venezuela. The glad tidings that the revolution has been suppressed, and that order and peace have once more been restored to Venezuela, will be received by my Government with the profoundest satisfaction and the deepest gratification.

Assuring, &c.,

CHARLES L. SCOTT.

No. 699.

Mr. Bayard to Mr. Scott.

No. 22.]

DEPARTMENT OF STATE,
Washington, September 3, 1885.

SIR: I have to acknowledge the receipt of Mr. Baker's dispatch No. 88, of May 6, 1885. It relates to the claim of the master of the American schooner *Lanie Cobb*, of Bangor, Me., against the Government of Venezuela, for being run into while lying at anchor in the harbor of La Guayra by the Venezuelan schooner *Ana Eulogia*, February 21, 1885.

The Department's previous instructions in respect of this claim are numbered 51 of March 24, 56 and 59 of April 9 and 22, 1885. These, with their several accompaniments, contain all information requisite to an understanding of the facts on which the claim is based.

With this correspondence before him, Mr. Baker has referred the subject back to the Department for examination and instruction previous to presenting a claim to Venezuela for the wrong alleged to have been sustained by the claimant.

It appears that the schooner *Lanie Cobb* arrived at La Guayra, February 15, 1885, from Savannah, Ga., laden with lumber, and that while lying safely at anchor in the harbor of La Guayra, was negligently and carelessly run into by the *Ana Eulogia* and considerably damaged. The declaration and protest of the master and crew of the American schooner and the testimony of an eye-witness to the occurrence agree that the fault was entirely on the side of the Venezuelan vessel, and that no adequate attempt was made by those manning her to prevent the collision, nor, after the collision, to free the vessel.

While afoul of the American schooner, states Benjamin F. Cushman, master of the *Addie M. Bird* and a witness of the casualty, a kedge anchor was run from the Venezuelan schooner to windward, but failing still to haul in sail, the American was helpless to free herself from the Venezuelan schooner without slipping her anchor, which was promptly done.

A survey of the American vessel was at once requested by her master of the consul to ascertain her present state and condition; also what had better be done in the interest of all concerned. Mr. Consul Bird accordingly appointed Messrs. Evan Jones, master of the brig *Fleetwing*, of Cardiff, Wales; Benjamin F. Cushman, master of the schooner *Addie M. Bird*, of Rockland, Me.; and Charles G. Jackson, master ship carpenter, to make the desired survey. Their duty was carefully performed, and from their itemized estimate it would seem that the probable expense of repairing the damage done, in accordance with the cost of labor and materials at La Guayra, amounts to \$1,736. To this sum they add \$250 for two weeks' delay, which aggregates \$1,986 as the total sum due in United States gold.

In submitting a claim for this amount you will bear in mind what Mr. Baker says regarding the recovery by the master of the *Lanie Cobb* of his anchor and chain, at a trifling expense. In the report of the survey these articles were estimated at \$128 and \$750, respectively. If Mr. Baker's statement is found to be correct, the total damages are to be reduced in accordance with this later estimate.

With this brief history of the case, it seems not inappropriate to here refer to certain facts developed in the attempted adjustment of the matter by the consul. It is to be regretted that the Venezuelan authorities, instead of interposing technical obstacles to a satisfactory settlement of

the affair, should not have placed the responsibility where it belonged, and have made due, immediate, and courteous reparation for the damages thus sustained through the culpable negligence of those in charge of the *Ana Eulogia*.

It appears that the surveyors appointed by Consul Bird to make a survey of the damages sustained by the *Lanie Cobb* were refused admission to the vessel, and were only permitted (although reluctantly done) to go on board of her at the urgent insistence of the consul. The pretext for the refusal is offered in the fact that the consul's letter to the collector of customs at La Guayra was written in English, which Señor Martin was unable to read. He therefore declined to take action respecting it until the return of the official interpreter from Caracas, as to the time of whose coming, however, no intimation was given. Mr. Bird offered to explain to the collector, in Spanish, what was desired, but this offer was refused. Upon the consul urging the necessity of the survey in order to remove the vessel from her dangerous proximity to the rocky coast and thereby avoid possible further damage the collector volunteered to render all proper assistance; but this Mr. Bird declined to accept until a lawful survey had been held. The collector then insisted upon the right to name one surveyor, the Venezuelan vessel the other, and the American schooner the third. To this proposition Mr. Bird very properly objected, adding that the survey was directed in accordance with his official duty; that it had no reference to proceedings in the Venezuelan courts, but was instituted pursuant to the laws of the United States. At first the collector refused permission to Mr. Bird to proceed on board of the vessel, but finally consented, upon being referred to the law, to his going there unofficially. Mr. Bird, however, declined to visit the vessel under such conditions, but was forced to accept a permit for the surveyors to go on board of her as private individuals.

It seems that the *Ana Eulogia*, although the private property of President Crespo, of Venezuela, was at the time under commission of the Venezuelan Government. Under this peculiar circumstance of ownership and service of that vessel, it was deemed fitting by the consul that a private adjustment of the affair should, if possible, be arranged; and every endeavor tending to promote this end was resorted to, but without success.

With this solution of the difficulty in view, Mr. Bird visited Caracas in a private capacity, and as the authorized agent of the *Lanie Cobb*, endeavored to effect an amicable private adjustment with General Crespo. He admitted the ownership of the vessel, but said that as she was in the service of the Government, the secretary of war would have to be consulted. That officer, however, was absent from Caracas, and as no one was authorized to say when he would return to the city, official business obliged Mr. Bird to proceed to La Guayra without seeing him. The further prosecution of the case was therefore committed to Mr. Charles R. Röhl, United States consular agent at Caracas, but in a private capacity. Mr. Röhl's efforts, although considerably presented to Mr. E. J. Linares, an intimate friend of General Crespo, with a view of obtaining an amicable and equitable settlement, proved fruitless.

Under these circumstances, acting upon the written advice of Mr. Röhl, Mr. Bird again undertook to arrange the difficulty at La Guayra with Mr. W. Carias Perez, the agent of Mr. Linares, and who, it was understood, had been instructed by his principal to confer with the claimants. Mr. Perez admitted his authority in the premises, but all

considerate efforts to satisfactorily arrange matters came to naught, and the claimants were finally remanded to the courts for redress.

On the 2d of March, therefore, the master of the *Lanie Cobb* addressed a note to the judge of hacienda, setting forth that his vessel had suffered material damage by colliding with the *Ana Eulogia*, and asking the naming of experts with a view to assessing damages and according justice. The judge, however, decided that the complaint was not within his jurisdiction, and referred the parties to the collector of customs as the person before whom such matters should primarily be instituted. Thither the claimants repaired, only to be told that their redress lay with the judge of hacienda, who again insisted that such was not the case, but that the collector of customs, as *ex-officio* captain of the port, had jurisdiction. But this officer refused absolutely to entertain the complaint.

A clearer case of a denial of justice than this can scarcely be conceived, and that, too, after every reasonable effort on the part of those injured by the disaster had been put forward with the most considerate regard. They sought to enforce no unjust demands, but in a spirit of commendable fairness endeavored only to secure an equitable settlement, which, after much circumlocution, was denied them. It appears inconceivable that in so strong a case no more attention should have been given by the Venezuelan Government to the representations of the claimant and no greater desire evinced to accord them substantial justice, and it is earnestly hoped that your presentation of the claim diplomatically will result in a full and frank admission of wrong on the part of the Venezuelan officers and an immediate offer of due reparation. A demand more lenient than this the Venezuelan Government cannot possibly expect, while the United States must require that the rights of American citizens who have been unjustly or unreasonably dealt with by a foreign Government should be respected and their just demands made good.

The ownership of the vessel can have no weight in pressing this claim, although it is true that upon the claimants learning that the *Ana Eulogia* belonged to President Crespo they endeavored, in view of that fact, to arrange a private adjustment of the matter. At the time of the accident the *Ana Eulogia* was under commission of the Venezuelan Government, and that Government by every rule of reasoning is responsible for the damage to the *Lanie Cobb* on account of the careless and inexcusable acts of those on board of the former vessel. While, as previously stated, President Crespo's ownership ought not to have any effect in aggravating damages, yet his high office places him in a position in which he must be personally cognizant of the injury done and peculiarly sensitive as to its redress.

There are other matters to be taken into consideration besides the pecuniary claim for the losses sustained by the collision. That of itself is of small moment when compared with the influence such action as now appears on behalf the Venezuelan officials must eventually exert on the seafaring or commercial interests of the United States and other nations whose vessels visit Venezuelan ports. It is neither a pleasant reflection nor one conducive to security and international confidence to feel that in case of accident such as befell the *Lanie Cobb* there is no possibility of remedy before the civil or judicial tribunals of Venezuela, except upon the diplomatic presentation of the complaint after the failure of all other efforts.

The right of our citizens to demand compensation for damages which they may sustain, as in the accident to the *Lanie Cobb*, as well as that

of a Government to insist upon due reparation of such wrongs in behalf of its citizens, whenever necessary, is one which belongs to them by the rules of international law, and which is so recognized by all civilized countries.

With the information already before your legation in connection with this instruction, you will be in a position to make all due and necessary representations to the Venezuelan Government. In doing so, you will accompany your note to the minister for foreign affairs with such copies of papers as you think proper, and press the claim to a satisfactory conclusion with all possible dispatch, reporting your action fully to this Department.

I am, &c.,

T. F. BAYARD.

No. 700.

Mr. Scott to Mr. Bayard.

No. 35.]

LEGATION OF THE UNITED STATES,
Caracas, October 14, 1885. (Received October 31.)

SIR: I have the honor to inform you that immediately on the receipt of your dispatch No. 22, dated Washington, September 3, 1885, I addressed a note to the minister of exterior relations, of which the inclosure is a copy.

I also accompanied said note with an exhibit, containing the protests, declarations, and affidavits of the persons mentioned in your said dispatch in support of the claim of the master of the *Lanie Cobb*. As soon as I am able to obtain an answer thereto I will forward the same to the Department of State, and will endeavor to keep you advised as to the progress of the case, as requested to do.

I am, &c.,

CHARLES L. SCOTT.

[Inclosure in No. 35.]

Mr. Scott to Mr. Lander.

LEGATION OF THE UNITED STATES,
Caracas, October 12, 1885.

SIR: I have the honor to inform you that I have received instructions from my Government to present and press the claim for damages of Capt. C. H. Cobb, master of the American schooner *Lanie Cobb*, of Bangor, Me., against the Venezuelan Government for being run into while lying at anchor in the harbor of La Guayra, by the Venezuelan schooner *Ana Eulogia*, February 21, 1885.

It appears that the schooner *Lanie Cobb* arrived at La Guayra February 15, 1885, from Savannah, Ga., laden with lumber, and that while lying safely at anchor in the harbor of La Guayra was "negligently and carelessly" run into by the *Ana Eulogia*, and considerably damaged.

To establish the above allegations you will find attached hereto an "exhibit" containing the sworn protests and declarations of Capt. C. H. Cobb, sustained by the affidavits of W. M. Wentworth, mate, and H. P. Baker, seaman, of the schooner *Lanie Cobb*, strongly sustained and corroborated by the sworn testimony of an impartial and disinterested witness, Capt. Benjamin F. Cushman, master of the American schooner *Addie M. Bird*, who witnessed the collision between the two vessels from the deck of his vessel, the *Addie M. Bird*, on the 21st of February, 1885.

Immediately after the occurrence of the collision between the two vessels, the *Lanie Cobb* and the *Ana Eulogia*, on the 21st of February, 1885, in the harbor of La Guayra,

Captain Cobb, the master of the first-named vessel, on learning that the President of Venezuela was the owner of the *Ana Eulogia*, and from respect to the high official position of the owner, resolved to use every effort to have his claim for damages done his vessel by the *Ana Eulogia* quietly and amicably settled without resorting to legal measures. For this purpose he called on the United States consul at La Guayra, and also procured the assistance of the United States consular agent at Caracas, and with them made every effort to have the matter in controversy satisfactorily adjusted without appealing to the legal tribunals of Venezuela. But no proposition for adjustment was made to him by the parties from whom he had sustained so much wrong and damage, and all advances made by him for an amicable settlement were rejected, and all offers of compromise made on his part were peremptorily refused.

In the mean time, on the 23d day of February, 1885, Captain Cobb made application to the United States consul at La Guayra for a "survey" on the schooner *Lanie Cobb*, in consequence of having sustained damages and injuries on the 21st of February, 1885, by being run into by the schooner *Ana Eulogia*, whereby she was rendered unseaworthy, and in consequence of said application the United States consul at La Guayra granted the request, and appointed as a "board of survey" the following-named persons, namely, Messrs. Evan Jones, master of the brig *Fleetwing*, of Cardiff, Wales; Benjamin F. Cushman, master of the schooner *Addie M. Bird*, of Rockland, Me., and Charles J. Jackson, master ship-carpenter, of Maiqueta, Venezuela. This "board of survey," on the 24th day of February, 1885, proceeded on board the schooner *Lanie Cobb*, lying then damaged in the harbor of La Guayra by reason of the collision with the schooner *Ana Eulogia*, and after a "minute and careful examination and survey made" a report.

While referring to the report of the "board of survey," I deem it just and proper to state that while the full amount of damages ascertained by the "board of survey" aggregated \$1,986 in American gold, that since this estimate was made the anchor and chain have been recovered and restored to its owner, and that said anchor and chain being valued at \$828, deducting which from the total estimate of \$1,986 leave a balance still due of \$1,158 from the Venezuelan Government to C. H. Cobb, the master of the *Lanie Cobb*, and the amount of \$1,158 is the amount which the Government of the United States believes that the said Cobb is equitably and legally entitled to receive from the Venezuelan Government in satisfaction of the injuries and damages that his vessel, the *Lanie Cobb*, sustained by the "carelessness and negligence" of the captain of the Venezuelan vessel the *Ana Eulogia*, in running into her on the 21st of February, 1885, being at the time in the employ and under the control of the public authorities of the Venezuelan Government, as acknowledged and admitted by persons high in authority.

Having, your excellency, thus outlined and briefly summed up the salient points in the case of the *Lanie Cobb*, and having examined carefully all the facts involved in the controversy, I cannot conceive how any other conclusion can be arrived at than that the damages and injuries sustained by the *Lanie Cobb* by being run into on the 21st of February, 1885, in the harbor of La Guayra, by the schooner *Ana Eulogia*, were entirely attributable to the carelessness, mismanagement, or ignorance of the captain of the schooner *Ana Eulogia*, for the schooner *Lanie Cobb*, from all the evidence, was lying quietly at anchor and did not move an inch from her proper moorings until struck and run into by the *Ana Eulogia*, and that the captain of the *Lanie Cobb* did all in his power to avert the collision by slipping his anchor, which he actually lost in endeavoring to save his vessel, but afterwards recovered it as before stated.

If the Cobb had been under sail and in motion some doubts might arise as to which vessel was in fault and to be the most censurable for the collision; but it is an established, undeniable, and admitted fact that the *Lanie Cobb* was at anchor, and *consequently motionless*, and this circumstance alone precluded all *suppositions even* that by any action of hers was this collision caused and the consequent great injury and damage sustained whilst riding at anchor off La Guayra and *being run into* by the *Ana Eulogia*.

I do not hesitate in the belief that when your Government becomes acquainted and familiar with all the facts and evidence in this case that it will most readily and cheerfully make reparation for the wanton wrongs, damages, and injuries that the *Lanie Cobb* has sustained in Venezuelan waters from a vessel floating at her mast-head the Venezuelan flag, and commanded by a Venezuelan officer, who was in the service of your Government at the time the collision occurred.

My Government with extreme reluctance resorted to diplomatic measures to bring the case of the *Lanie Cobb* to the attention of your Government, and has deferred requesting reparation for the injuries sustained by the said vessel on account of the high esteem entertained for President Crespo, the alleged owner, and also from the strong hopes that the matter would be satisfactorily adjusted without resorting to diplomatic interference. And it is now from a stern sense of duty and in the performance of the high obligations that my Government owes to all her citizens to protect their lives, liberty, and property in every land and every clime that she instructs her minister and representative at the Republic of Venezuela to use every effort in his power to protect the lawful rights and just

demands of Capt. C. H. Cobb, the master of the schooner *Lanie Cobb*, and to respectfully request that your Government make reparation for the injuries done and damages sustained on account of the collision of the *Ana Eulogia* with the *Lanie Cobb* in the harbor of La Guayra on the 21st of February, 1885, by paying to the said Cobb the sum of \$1,158 in satisfaction of said damages.

In addressing your excellency on this subject I have strictly confined myself to a recital of the evidence, and made no reference to the law applicable and governing this case; for if the sworn testimony contained in the exhibit attached to this note be true, it establishes a case so emphatically just and so transparently meritorious that citation to legal rules and precedents would be both trite and unnecessary, and I am willing to leave all law points pertinent and involved in this case to the "law officer" of your Government, having all confidence in his ability and fairness.

Trusting sincerely that after a full and fair investigation of this case the decisions of your Government will be such as to increase and strengthen the most friendly and cordial relations that now so happily exist between our two Governments,

I am, &c.,

CHARLES L. SCOTT.

No. 701.

Mr. Bayard to Mr. Scott.

No. 35.]

DEPARTMENT OF STATE,
Washington, December 4, 1885.

SIR: The consul of the United States at Maracaibo, in a dispatch of the 30th October last, calls attention to the embarrassments occasioned to American shipping by the practices prevailing at the custom-house there regarding ships' papers. He incloses a copy of his No. 20, of May 15, 1879, making suggestions touching the provision of a remedy for these embarrassments.

I inclose a copy of the original dispatch, and have to ask that you will solicit at the foreign office the changes in the customs regulations there suggested by the consul.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 35.—Extract.]

Mr. Plumacher to Mr. Porter.

No. 335.]

UNITED STATES CONSULATE,
Maracaibo, October 30, 1885.

SIR: I have the honor to inclose a copy of my dispatch No. 20, of May 15, 1879, which I beg you to be kind enough to read, as I am since a few months placed in the same situation as in 1879, and since that time I have seen many changes in the custom-house of this consular district, but by personal influence I have always been able to get what I required to protect our interests, and I always received the ship's papers with the exception of the ship's register, which only is delivered after the vessel's dispatch from the custom-house. As I have stated in my dispatch No. 20, I hold the custom-house at Maracaibo a very unsafe place to keep the register and papers of vessels. The officials are unwilling to give a receipt.

* * * * *

I have, &c.,

E. H. PLUMACHER.

[Inclosure 2 in No. 35.]

Mr. Plumacher to Mr. Hunter.

No. 20.]

UNITED STATES COMMERCIAL AGENCY,
Maracaibo, May 15, 1879.

SIR: I take the liberty to draw your attention to certain laws of the United States of Venezuela, of which I inclose a Spanish extract and an English translation. You will observe that this law is of such a tenor that consular officers cannot comply with

their duties; neither can the masters of vessels. I refer to Article XII, United States Consular Regulations, reciprocal duties of consular officers and masters of American vessels, including the duties under the shipping act (§118, 121, 122, 123, 124).

According to §41 of the law of Venezuela the masters of vessels are compelled to deliver up all and every one of the ships' papers and they must be kept by the administrator of the custom-house until the vessel leaves the port. Permit me to state for your information that as soon as a vessel arrives at this port the custom-house authorities send at once their officials to pass the visit, and all the ships' papers are taken from the master, but no receipt is given. The masters of vessels generally not speaking Spanish, and unacquainted with the laws of Venezuela, give up their papers unwillingly, and as the so-called interpreter very often does not master the English language or the language of the nation under whose flag the vessel belongs, delays and unpleasant feelings are the result of it.

The masters are obliged to report themselves at this office without papers, and complain bitterly, and I have to go myself to the custom-house and after much delay and trouble the articles and crew-list are delivered to me, but never the register of the vessel.

It has happened that, since I am here, parts of the ship's papers of several American vessels have been lost by the custom-house officials, the vessels being obliged to leave without them, provided with a certificate from my hand. During the short time that I have the honor to represent our country at this port, I have seen three entire changes of the authorities in charge of the custom-house, and if a political demonstration should be made, or during times of revolutions, the custom-house is a much exposed place. If this law is not changed it will be impossible for consular officers to do their duty strictly, and serious inconveniences may happen to vessels in case the ships' register should be lost which could not happen if the ship's papers were duly deposited at the consulate.

I hope you will forgive your humble servant for making the following suggestions to regulate it to the satisfaction of both countries:

(1) The register, articles, crew-list, and other documents belonging to a vessel should be (or may be) taken by the custom-house officers or proper authorities of the port, giving a specified receipt for them to the master of the vessel on delivery. After forty-eight hours the captain should claim his papers from the authorities, return his receipt, and give them to the consular officer, who shall give to the authorities of the port a certificate proving that said papers have been duly deposited at the consulate by the master of the ship.

(2) The consular officer should not return the register or any other one of the ships' papers which have been deposited with him to the master of the vessel until the master presents to the consular officer his clearing papers granted from the proper national authorities namely his sailing license.

I believe this is all that is required for a satisfactory settlement of this question.

If a consular officer at this port or a master of a vessel should violate the law the vessel is anyhow in reach of the authorities of Venezuela as the vessel has to sail down to Fort St. Carlos, pass its guns and afterward to be towed to sea over the bar. At Puerto Cabello and Laguayra the vessels anchor under the guns of the fortifications, therefore in reach of the authorities.

Since General Guzman Blanco has taken charge of the Republic and has expressed his intention to facilitate the connections with other nations I believe we would find the good-will and assistance of the Government of Venezuela to regulate this point satisfactory to all.

Hoping you will be kind enough to give to the foregoing your attention I embrace this opportunity, &c.

E. H. PLUMACHER,
United States Commercial Agent.

Extract of laws corresponding to foreign vessels according to the "Codigo de Hacienda" of Venezuela.

LAWS APPERTAINING TO VESSELS ENTERING OPEN PORTS.

§ 40. Vessels entering at any of the open ports of the Republic of Venezuela must be visited by the administrator or surveyor of the custom-house, the chief of the inspectors, and such necessary help as may be considered needed, this visit to be made after the usual sanitary call. If the chiefs of the custom-house cannot call in person on the arriving vessel they must be duly represented by a deputy who is not from the inspector's office.

§ 41. If the entering vessel comes from a foreign port, the captain's or supercargo's duty is to deliver—

- (1) The patent of navigation which remains with the chief of the custom-house until the vessel's departure;
- (2) The certified manifest or manifests;
- (3) The enveloped and sealed paper, or papers;
- (4) A copy of the signed bill of lading, even if the vessel arrives from the Antilles.
- (5) List of effects of the vessel's use and of the stores, according to § 8;
- (6) The crew-list of the vessel, and list of effects of the captain's and crew's use;
- (7) The list of passengers, mentioning the number of packages of baggage, stating where same were taken aboard;
- (8) A list stating what the vessel carries as ballast, as per § 16; and
- (9) The correspondence, which is delivered by the chief of the inspector to the post-master.

(§ 42) If the vessel arrives in ballast her captain or supercargo is only obligated to present the documents as per Nos. 1, 5, 6, 7, 8, and 9 of the preceding paragraph.

CORRESPONDENCE WITH THE LEGATION OF VENEZUELA AT WASHINGTON.

No. 702.

Mr. Soteldo to Mr. Bayard.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, April 2, 1885. (Received April 3.)

MOST EXCELLENT SIR: I have the honor to submit to your excellency's consideration an abstract of our interview of this day, which was held in pursuance of your excellency's note of the 25th ultimo, and of my reply of the 31st, which I wrote on my return from New York, as soon as I received your aforesaid note.

I called at the Department of State before 12 o'clock (because I had learned that the Cabinet was to meet at that hour) for the purpose of having an hour appointed. After a brief explanation of my failure to receive notice of the appointment in time, and of my two days' absence in New York, we agreed to meet at 2 o'clock in the afternoon, and did so meet.

Your excellency began by urging the necessity of fixing the amount of the indemnity to be paid to Mr. Wheelock, according to the agreement made. This, you said, was all that remained to be done; that you had read everything bearing upon the case, the papers containing which you showed me.

I replied by agreeing to the necessity of concluding the final arrangement in question, remarking that I had proposed \$2,000, for the reason stated in my communications, and that subsequently, when I visited the Department of State in pursuance of the appointment made with me by your excellency's predecessor, although I was punctual, notwithstanding the receipt of the communication which contained it, with the difference of the distance only, I was received, after waiting a long time, by Mr. Davis, who at length promised to let me know whether the \$5,000 would be accepted or not, I having offered that amount as the maximum, and having told him that I was not authorized to increase my previous offer any more; but as Mr. Baker, the minister of the United States at Caracas, officially reported to his Government

that Mr. Amengual, as minister of foreign relations, had told him that our Government was willing to pay the claimant \$5,000, I did not doubt Mr. Baker's veracity, nor did I doubt that my Government would fulfill any promise that it had made; that I had been kept waiting for the answer of the Secretary of State, which, after all, had not been given me, and that my offer could not then be increased.

Your excellency told me that you could not possibly accept \$5,000 or any similar amount, notwithstanding your earnest desire to settle the question in the manner most satisfactory to both countries, because \$10,000 had been offered to the claimant in the name of our Government, which sum had been refused, and that you thought that you could make but a very small reduction on the minimum fixed by your predecessor.

I told your excellency, in reply, that no offer of \$10,000 had been made to Mr. Wheelock; that he had called on me in New York, requesting me to hear what he had to say, and that I had told him that I could treat with no one but your excellency in relation to his claim; that he had urged me to read a letter from the Department of State, whereby he was informed that an immediate request was expected from me for an interview relative to the instructions which, according to Mr. Baker, had been communicated to me by my Government for the settlement of his claim. I told him that as long as he should continue to dream of large sums, which Venezuela would never pay, a settlement would be absolutely impossible, inasmuch as Venezuela was under no obligations whatever to indemnify a person who had not had recourse to her courts, which alone had power to redress grievances similar to his.

Your excellency told me that the only thing that we had to do was to fix the amount of the indemnity, and proposed to me, with a view to settling the matter, that my Government should pay \$10,000. I said that it was absolutely impossible for me to agree to that, because the instructions which I had received since I had made my offer to Mr. Davis limited me to \$5,000, and that the dollar in Venezuela was understood to be equivalent to about 74 or 75 cents in United States money, as was shown by the consular certificates in Venezuelan ports on invoices of shipments from Venezuela.

Your excellency at length proposed that we should reduce the \$10,000 to ten thousand Venezuelan dollars, thereby reducing the amount to \$7,500, and finally to \$7,400, provided that the payment should be made strictly in cash.

I told your excellency that I would exceed my limits by \$1,000, feeling satisfied that my Government would approve this, solely for the sake of pleasing your excellency and the present worthy administration, but that I required time, it being impossible, under the circumstances, to pay the amount in less than two installments, payable in bills of exchange at sixty days' sight; that my Government would send the first in three months for \$3,000, and that it would send the remainder three months afterwards, likewise sending a bill of exchange at sixty days for \$3,000, and thereby making good its payment of \$6,000.

Your excellency finally agreed to these terms, accepting, with its explanations, my aforesaid proposition, and saying that you would express your acceptance thereof in writing as soon as possible, so that I might inform my Government without unnecessary delay.

Hoping that the foregoing statement will meet your excellency's approval, I have, &c.,

A. M. SOTELDO.

No. 703.

*Mr. Bayard to Mr. Soteldo.*DEPARTMENT OF STATE,
Washington, April 3, 1885.

SIR: With reference to my interview with you of yesterday, I have now the honor to state that my understanding of the terms agreed upon as a final settlement of the claim of John E. Wheelock against Venezuela is as follows:

Venezuela promises to pay, as an indemnity to John E. Wheelock for the injuries inflicted upon him at the hands of the authorities of that Republic in the year 1879, the sum of \$6,000. Of this lump sum \$3,000 is to be paid in three months and \$3,000 in six months from this date.

This Government cannot but regard the amount so fixed as most inadequate to compensate Mr. Wheelock for the bodily suffering and the pecuniary losses he sustained. In consideration, however, of the long delay which has already occurred in reaching an agreement in this case, and in consideration, moreover, of the assurance which you have given that the sum of \$6,000 is in excess of what you were authorized by your Government to pay, I am constrained to look upon the settlement as the best that could be obtained, and it is accordingly accepted, contingent upon the faithful fulfillment by Venezuela of the terms of the agreement above cited, as a final satisfaction of the claim of John E. Wheelock against the Republic of Venezuela.

I beg to add, Mr. Minister, an expression of my own gratification that this question, which has been a matter of controversy between the two Governments for so many years, may be looked upon at last as finally adjusted.

Accept, &c.,

T. F. BAYARD.

No. 704.

*Mr. Bayard to Mr. Soteldo.*DEPARTMENT OF STATE,
Washington, April 10, 1885.

SIR: With reference to your note to me of the 2d instant, and to my note to you of the 3d instant, giving in writing our respective understandings, which are found to be in accord, of the terms of the agreement arrived at orally during our interview held on the 2d instant, expressly for the settlement of the claim of John E. Wheelock against Venezuela, I have now the honor to add, in order that all possibility of a mistake on that point may be avoided, that it is my understanding that the \$6,000 agreed upon as a final satisfaction of the Wheelock claim is to be paid in the currency of the United States.

Accept, &c.,

T. F. BAYARD.

No. 705.

Mr. Soteldo to Mr. Bayard.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, April 13, 1885. (Received April 13.)

MOST EXCELLENT SIR: I have the honor to acknowledge the receipt, by this day's mail, of your excellency's communication of the 10th instant, wherein you state that our two versions of our respective notes of the 3d and 2d instant agree with each other, and that your excellency understands that the \$6,000 which are to be paid by my Government as a final settlement of Mr. Wheelock's claim are, according to our arrangement made on the 2d instant, to be paid in current money of the United States.

I have the honor to declare that your excellency's understanding of the case meets with my approval, and once more to sign myself, &c.,
A. M. SOTELDO.

No. 706.

Mr. Soteldo to Mr. Bayard.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, June 29, 1885. (Received June 30.)

MOST EXCELLENT SIR: I have the honor to inform your excellency that my Government has been pleased to approve the arrangement made by me with your excellency as a settlement of the claim brought several years since by John E. Wheelock, on account of the ill-treatment which he had received from a police commissioner in the mining district of Guayana, Venezuela.

My Government, nevertheless, desires on this occasion to appeal to your excellency's sense of rectitude, to the end that it may not be understood that, in making this payment, which it does out of pure deference to the great people of the United States, it accepts the precedent that any one who considers himself injured or aggrieved by the acts of public functionaries, and still less by those of private individuals of the nation, may disregard the ordinary means of redress, *i. e.*, the competent courts of the country, and have direct recourse to the diplomatic interference of his Government as a means of securing reparation, when, according to the laws of Venezuela, as well as those of every other country, it is the province of the courts of justice alone to redress the grievances of complainants in cases similar to that of Mr. Wheelock, the proper investigation and judicial examination of the facts of a case being impossible otherwise than by means of judicial proceedings, which are the safeguard of individual rights, as they are that of the social order of states.

I beg your excellency to believe me when I assert that the disorders and abuses which would accrue to the people of Venezuela, and, I may add, to those of the other Spanish-American Republics, from the fatal abuse of seeking the redress of injuries suffered by individuals of foreign nationality directly, by way of diplomacy, without submitting

them to the laws and competent courts, would so undermine their welfare and their very existence, their financial system and every vital element of sociality and good government, that, however much it might be desired to comply with the requirements made, it would be impossible to continue to do so without seeking an efficient remedy for the evil.

Allow me to call your excellency's attention to my previous communications on this subject, and to ask, in the name of my Government, the co-operation of that of your excellency, with a view to arresting this evil at once, since, while it exhausts our revenues and frequently disturbs our reciprocal international relations, to the detriment of the great interests of our countries, it gives rise to interminable abuses and to such demoralization that it has compelled us to enact special laws for the regulation of all matters connected with such claims, thereby rendering it impossible even for the Executive to take cognizance of and settle such questions, it being his duty to refer them to the judicial branch of the Government, which alone has power to enforce the laws in private cases.

Similar statements were made by my predecessor, who transmitted to your excellency's Department copies of the laws in force in Venezuela relative to claims of foreigners and natives of the country.

I am ready to deliver to your excellency the first of the bills of exchange, at sixty days, for \$3,000 in United States money, which I have received from my Government, and which I have ordered to be accepted at once. I will place it in your excellency's hands, hoping you will be pleased to accede to the wishes expressed in this note, so that the evil referred to may be remedied.

I gladly renew, &c.,

A. M. SOTELDO.

No. 707.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, July 7, 1885.

SIR: I duly received your note of the 29th ultimo, in relation to the payment of the claim of Mr. John E. Wheelock, and in the interview with which you honored me on the 2d instant you handed me a draft at sixty days' sight for \$3,000 which, when paid, will discharge the first moiety of the payment agreed upon in settlement of that case.

Due notice is taken of your intimation, on behalf of the Government of Venezuela, that this adjustment of the Wheelock matter is not to be deemed a precedent authority for the future disposition of this class of cases by diplomatic intervention without recourse to judicial remedies.

In thus taking cognizance of the formal expression of an understanding which was, I presume, in your mind as well as mine when we reached a practical adjustment of the Wheelock case, I am not, of course, to be understood as laying down a rule of diplomatic intercourse for mutual governance in future cases arising.

As sovereign states, both the United States and Venezuela have the undoubted right to be satisfied, each for itself, that no wrong done to its citizens by the other passes unredressed; and neither sovereign can rightly be expected to recognize validity as attaching to the municipal enactments of the one which may assume to bar the exercise of the rights given by international law to the other.

Accept, &c.,

T. F. BAYARD.

No. 708.

Mr. Soteldo to Mr. Bayard.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, July 21, 1885. (Received July 22.)

SIR: I have the honor to inform your excellency that my Government, in the use of its legal powers, issued, on the 7th instant, a decree declaring pirates two steam vessels now respectively named Justicia Nacional and El Torito (the latter having been formerly called Annette), which vessels have been armed by unauthorized persons for the ostensible purpose of arousing to insurrection the coasts and ports of Venezuela, but which do not belong to the registry of any government, nor have been manned in any legal form, nor are other than a danger to commerce and to the security of those seas and coasts where they begin as revolutionists, and will end by doing injuries of every kind, not only to Venezuela and her citizens, but to foreign commerce, and to all those who cultivate commercial relations with the country.

The mission of extermination begun by the crews of those two vessels makes them unworthy of being admitted into the ports of friendly nations; and my Government hopes from that of your excellency that the naval authorities of the United States will consider them beyond the pale of the law, in conformity with the terms of the aforesaid decree; and will not permit them to be supplied with fuel or provisions, but will rather cause them to be subjected to the procedure of the competent authorities, because of the irregularities, the criminal purposes and acts of those who man them, and other circumstances pertinent to the case, if they should in fact arrive at any points within the jurisdiction of the United States.

My Government will appreciate at its full value the friendly course of that of your excellency in the present case and under the circumstances set forth.

I improve, &c.,

A. M. SOTELDO.

No. 709.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, July 24, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, informing me that your Government issued on the 7th instant a decree—

Declaring pirates two steam vessels now respectively named Justicia Nacional and El Torito, the latter having been formerly called Annette, which vessels have been armed by unauthorized persons for the ostensible purpose of arousing to insurrection the coasts and ports of Venezuela, but which do not belong to the registry of any Government, nor have been manned in any legal form, nor are other than a danger to commerce and to the security of those seas and coasts when they begin as revolutionists, and will end by doing injuries of every kind, not only to Venezuela and her citizens, but to foreign commerce and to all those who cultivate commercial relations with the country.

Under these circumstances, at the instance of your Government, you request that the naval authorities of the United States will consider these vessels—

Beyond the pale of the law, in conformity with the terms of the aforesaid decree, and will not permit them to be supplied with fuel or provisions, but will rather cause them to be subjected to the procedure of the competent authorities because of the irregularities, the criminal purposes and acts of those who man them, and other circumstances pertinent to the case, if they should, in fact, arrive at any points within the jurisdiction of the United States.

In reply I have the honor to inform you that, while it is entirely foreign to the purpose of the United States to give aid or comfort to the enemies of Venezuela, this Government cannot admit the international effect of the Venezuelan decree declaring certain vessels in the service of insurrectionists to be pirates. The position which this Government has taken in respect to this question is so fully set forth in recent correspondence with the Colombian legation at this capital that I feel that I cannot better acquaint you with what are conceived to be the international obligations of the United States in the premises than by inclosing to you, which I now have the honor of doing, a copy of that correspondence.*

In addition to the authorities therein cited, I would invite your attention to the general principle touching this subject as laid down in a treatise on international law by the eminent English barrister, William Edward Hall, which is as follows:

By the municipal law of many countries acts are deemed piratical, and are punished as such, which are not reckoned piratical by international law. Thus the slave trade is piratical in England and the United States, and in France the crew of an armed vessel navigating in time of peace with irregular papers become pirates upon the mere fact of irregularity, without the commission of any act of violence. It is scarcely necessary to point out that municipal laws extending piracy beyond the limits assigned to it by international custom effect only the subjects of the state enacting them and foreigners doing the forbidden acts within its jurisdiction.

It does not follow, however, that because this government declines to regard the vessels to which you refer as pirates they will be received into the ports of the United States with the same privileges that are accorded to vessels bearing the flags of recognized Governments. Such vessels cannot receive in our ports those immunities to which they would be entitled upon an exhibition of proper papers. While taking this position, however, I wish to be understood that it is here assumed with the usual qualification that gives to vessels coming to our ports in distress, even though they be without regular papers, such hospitality as is approved by the law of nations.

Accept, &c.,

T. F. BAYARD.

No. 710.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, October 16, 1885.

SIR: Referring to your note of the 2d April last, and to the payment of the first installment of the Wheelock indemnity (of \$5,000) on the 3d July last, I have the honor to state that, so far as this Department's

* For correspondence referred to see documents numbered 194, 197, and 211, pages 252, 254, and 272.

records are concerned, it does not appear that the second half of the indemnity, due October 3, has been received.

Presuming that some accident has retarded the payment, I take occasion to suggest that, in case the next payment is to be made, as the first was, at 60 days' sight, the sixty days should not commence to run at a date later than the 3d instant.

Accept, &c.,

T. F. BAYARD.

No. 711.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, December 7, 1885.

SIR: I have the honor, in the interest of Mr. Wheelock, the American citizen in whose favor an award of \$6,000 was made not long since by Venezuela, to call your attention to the circumstance that the second installment, due October 3 last, has not been received at this Department.

I can but express great regret, in which I believe you will share, at this seeming failure to carry out the international pledge referred to.

Accept, &c.,

T. F. BAYARD.

No. 712.

Mr. Soteldo to Mr. Bayard.

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, D. C., December 12, 1885.

MOST EXCELLENT SIR: I have the honor to acknowledge the receipt of your communication of October 16th and of that of the 17th instant, both of them referring to the unfortunate circumstance of the delay that has occurred in the payment of the second installment (\$3,000 in United States money) as payment in full of the \$6,000 agreed to be paid in final settlement of the claim of Mr. John E. Wheelock.

I expected to receive the sum required from my Government before this, so as to be able to deliver it simultaneously with my reply to the first of the two notes above referred to, and I was still expecting it, since my Government is very desirous to send it, when I received the second, to which I reply without delay.

The settlement made, which provided for the payment of \$6,000, in two installments, in three and six months, by means of bills of exchange at sixty days, did not reach Caracas before the adjournment of the National Congress, in consequence of which the amount stipulated could not be inserted in the budget which governs the disbursements of the public treasury. My Government was therefore compelled to make the payment out of the sum appropriated in said budget as a contingent fund; the first payment (\$3,000) was made on the 3d day of July by means of a draft at sixty days. The fund appropriated to disbursements of this character having, however, been subsequently exhausted, owing to unforeseen circumstances, the present delay in the payment of the second

installment has occurred, to the great regret of my Government. The balance due will, nevertheless, soon be paid, because, according to the latest advices received by me from the ministry of foreign relations the urgency of the case has been brought to the notice of the President of the Republic, as has the necessity of making the payment in question with as little delay as possible.

I sent a copy of your excellency's note of October 16th to my Government by the next mail thereafter, and I yesterday sent a copy of that of the 7th instant. I do not doubt that the money necessary for the payment will be sent me so as to enable me to satisfy your excellency's just demands.

Accept, &c.,

A. M. SOTELDO.

No. 713.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, January 14, 1886.

SIR: I have the honor to acknowledge the receipt of your note of the 12th ultimo, and to say, that in view of its contents, I had expected to receive for Mr. Wheelock the second half of the award of \$6,000, due that gentleman from Venezuela, prior to this date. The prompt payment of the first installment without any qualification or reserve whatever, and the entire absence from the arrangement made with you of any subordination of the settlement to the pleasure of the legislature of Venezuela, makes it impossible for this Government to formally admit that the second installment stands on any different footing from the first, which has already been paid, under the terms of the arrangement. It is expected that the honor and good faith of Venezuela will be shown by a similarly exact and scrupulous execution of the compact in its entirety. While forbearance seemed proper, in view of the embarrassment of the Venezuelan Government, in the regard mentioned in your note, the continued delay makes it incumbent to announce that this forbearance is shown by way of courtesy only, and can imply no abandonment of the rights in the premises or qualification of the letter and spirit of the original engagement. It is very desirable that the President should be enabled to announce to Congress at an early day the complete adjustment of the Wheelock incident; and to this end I have the honor to invite the payment of the second installment forthwith, with added interest to cover the delay.

Accept, &c.,

T. F. BAYARD.

No. 714.

Mr. Soteldo to Mr. Bayard.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, January 26, 1886. (Received January 27.)

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 14th instant, urging the payment of the second half of the \$6,000 due in settlement of the claim of Mr. Wheelock. I

have transmitted it to my Government, which will regret as much as your excellency's this unexpected delay, caused by the unforeseen expenditures growing out of the revolution which broke out after the payment of the first installment of \$3,000, which was paid before the present impediment occurred.

Do not doubt, excellency, that my Government is striving to redeem the public faith pledged for the fulfillment of this international obligation, and that it feels the greatest regret at seeing it still pending for reasons entirely foreign to its volition.

Hoping an early conclusion of this affair, I take pleasure, &c.,

A. M. SOTELDO.

No. 715.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, March 12, 1886.

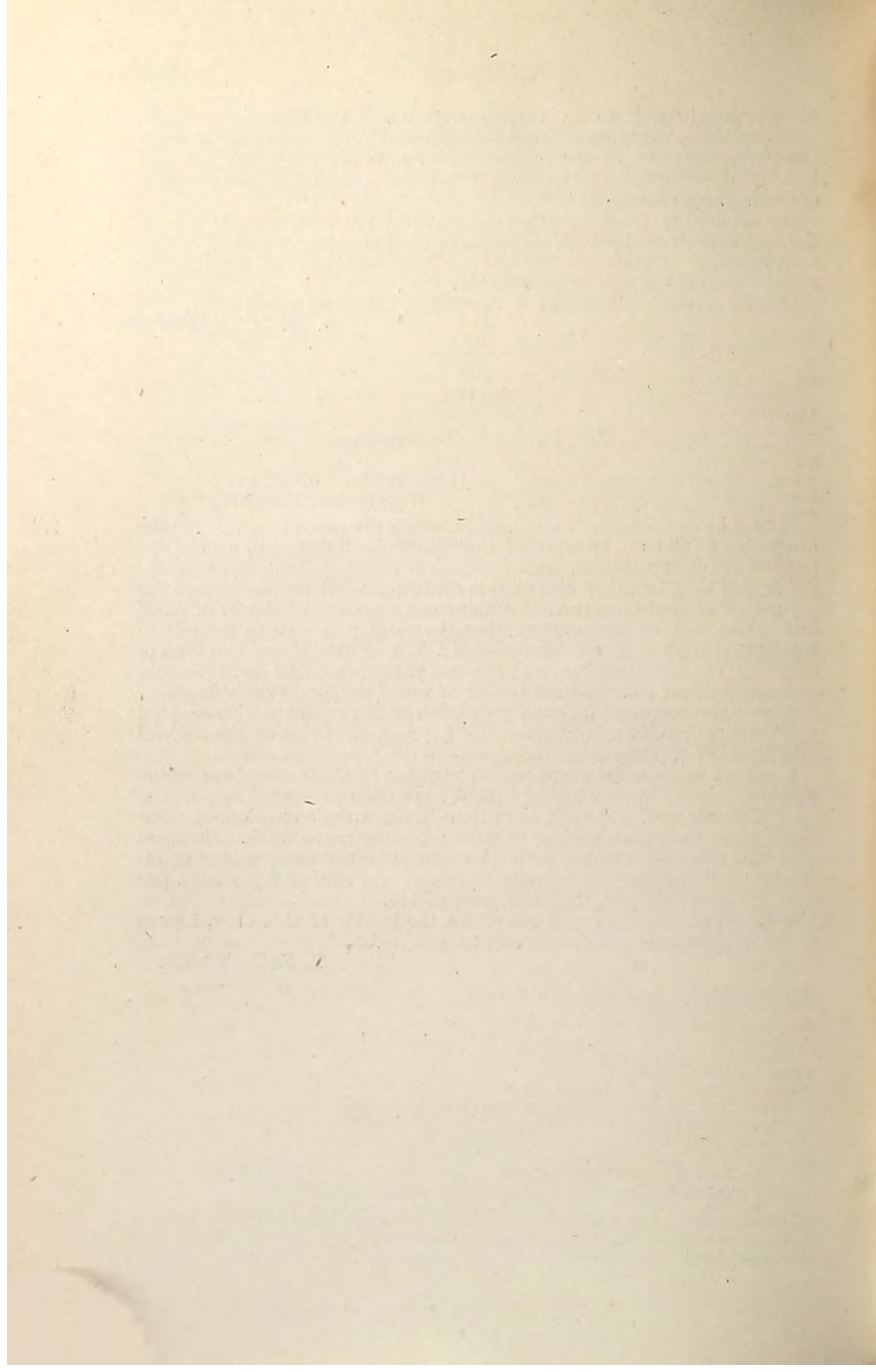
SIR: I have the honor to inclose herewith my formal receipt for the draft for \$3,000 on account of the Wheelock indemnity, which you handed me on the 10th instant.

I regret that I cannot accept this draft as in full satisfaction of the obligation of your Government under the agreement of the 3d of April last. You will, of course, remember that you proposed to present to the United States, in settlement of Mr. Wheelock's claim, two bills of exchange for \$3,000 each, one at the end of three months and the other at the end of six months from the 3d of last April, and that although I regarded the proposed indemnity as inadequate, I reluctantly accepted your proposition, but only upon the express condition of the faithful fulfillment of its terms.

It is not necessary for me to inform you that by the terms of our agreement the second bill for \$3,000 should have been presented here on the 3d of October last, and that more than five months have elapsed since that date. For this breach of performance it seems to me that the least possible satisfaction would be the payment by your Government of interest on the delayed payment, which, at the rate of 6 per cent. per annum for five months, would amount to \$75.

Feeling sure that you will recognize the justice of this view, I have to request that you will be pleased to accept, &c.,

T. F. BAYARD.



ALPHABETICAL INDEX.

A.

	Page.
Africa: treatment of missionaries on west coast.....	631, 647, 648
Spanish protectorate over certain territories on west coast.....	769
Agriculture in Corea: "American farm" near Seoul	353
Albano: vessel at New York suspected of intention to violate neutrality laws of United States; correspondence with Colombian minister.....	232, 234
Alert, return of, to Great Britain	446
Alfonso XII, of Spain: death of	762
Almena, A. C. d': imprisonment in Hayti..	480, 490, 495, 511, 522, 528, 530, 533, 536, 543
Alsace-Lorraine: held by German Government that Bancroft treaty of 1868 does not extend to.....	420
Ambrose Light, an American brig: discussion of question of piracy..	269, 275, 276, 277
American Board of Commissioners for Foreign Missions. (See Missionaries.)	
American college at Harpoot, Asia Minor	819, 825, 831, 840, 844, 862
Arbitration: court of arbitration in Chili; rules of decision	625
decision of arbitrator in case of the Masonic	724, 729, 746, 754
Arctic explorations. (See Jeannette.)	
Argentine Republic: improvement of telegraphic communication between United States and.....	1
xtension of railroads	2, 3
pening of Congress; message of President Roca; increase of immigra- tion; growth of public schools; stability of political institutions.....	3
concession granted to Central and South American Telegraph Company..	5
Asylum, right of, in legations: case in Colombia.....	205, 214, 218
refusal of French minister in Hayti to permit local authorities to arrest insurrectionist on board of French vessel at Cape Haytien.....	539, 542
Austria-Hungary: arrest of Louis Feinknopf, a naturalized citizen of the United States, with a view to exact military service	5, 27
arrest of Harry Rice, professed naturalized citizen of United States, on charge of owing military duty.....	19, 27
refusal to receive Anthony M. Keiley as the diplomatic representative of the United States.....	12, 55
return of Bohemians in United States to Austria-Hungary; suspected by the latter of revolutionary designs; interference of Federal Govern- ment requested	53

B.

Barcelona: duties charged on cargoes of scrap-iron and metal..	684, 700, 707, 714, 718, 719, 749, 758, 761, 767
Barrios, General: proclaims union of Central American States.....	73
death.....	90
disorders that followed.....	103
Bartholdi: (see Statute of Liberty).....	369, 374
Belgium: appointment of administrator-general of foreign affairs of the In- dependent State of Congo; guarantee of the State's neutrality.....	57
representatives of United States at Congo conference had not plenipoten- tiary powers	60
attitude of United States towards the Congo Free State; recognition of His Majesty Leopold as sovereign.....	62
construction of Article XII of treaty of 1875 between United States and Belgium	64
Berlin conference: United States not a party	390, 442
Bible: hindrances to sale of, in Turkish dominions.....	823, 832, 838
Binzegger, Joseph. (See Switzerland.)	

	Page
Blanc, Baron: arbitrator in case of the Masonic.....	724, 729, 746, 754
Blockade: must be actual and efficient.....	209, 252, 254, 264, 269, 272
Blümeling, Mrs. Mary. (See Citizenship.)	
Bohemians in the United States: proposed return to Austria-Hungary; interference of Federal Government requested, on account of supposed revolutionary designs.....	53
Bureau of nationality in Turkey.....	847, 873, 885

C.

Cables: concession to Central and South American Telegraph Company by the Argentine Republic.....	1, 5
Cacères: political affairs in Peru.....	589, 595, 596, 597, 599, 601, 603, 604, 605, 609, 616, 620, 622, 626, 627
Canals: opening of St. Petersburg and Cronstadt Canal.....	660
Cattle-tax. (See Key West.)	
Central America: destitute American laborers at Livingston, Guatemala....	66, 72, 90, 109, 133
case of José Dolores Gomez: proposed arrest of, on board Pacific Mail Company's steamer Honduras, by Nicaraguan Government, at San Juan del Sur.....	70, 82
decree of President Barrios proclaiming union of Central American States.....	73
death of President Barrios.....	99
disturbances in Central America: United States vessels ordered to protect American interests; minister of United States authorized to use good offices.....	98
efforts to settle affairs.....	103, 130
threatened war between Mexico and Guatemala; attitude of United States.....	100, 101
peace between Guatemala and Salvador.....	102, 114
foreign representatives at Guatemala mediate to put an end to disorders that followed the death of President Barrios.....	103, 112, 117
the President of Salvador seeks to bring about a union of the Central American States.....	118
insurrection in Salvador; resignation and departure of President Zaldivar.....	123, 124, 127, 130
intervention of Nicaragua in affairs of Salvador.....	126, 128, 136
success of revolution initiated by General Menendez in Salvador.....	132
construction of railroad from Atlantic coast to the capital; dissolution of board of directors and assumption of obligations by the Government; default in payment of contractors, and consequent destitution among laborers.....	133
alleged filibustering expeditions from United States against Honduras..	138, 144
amicable relations re-established between Guatemala and Nicaragua....	143
Certificates required of certain Chinese coming to United States.....	184, 191
China: affair at Foochow; gallantry shown by Chinese students who had been educated in United States.....	144
France treats rice as contraband of war.....	161
falling off of the tea trade.....	146
affairs in Canton: inflammatory publications against foreigners; proposal that Chinese converts to Christianity should be registered, and compelled to wear a distinctive dress.....	147, 154, 162
explosives sought to be introduced into Japan by American firms.....	156
citizenship, case of, in China.....	157, 171
limits of neutral obligations in respect of the control of the neutral over the conduct of its citizens outside its jurisdiction.....	160
list of articles treated by the French as contraband.....	162
anti-Christian riots in Canton in September, 1884.....	162
United States maintain neutrality in war between China and France.....	168, 170, 172
armistice between France and China.....	169
reorganization of imperial navy.....	173
creation of a ministry for coast defenses.....	174
position of the Empire as to the construction of railroads.....	180
payment of money to China by United States out of residue of indemnity received by latter under convention of 1858.....	181
certificates required of certain Chinese coming to United States.....	184, 191
attack on Chinese at Rock Springs.....	187
attack on Chinese at Seattle and elsewhere, in Washington Territory....	193, 196

	Page.
Chinese immigration in Hawaiian Islands.....	475
Cienfuegos: fine imposed on bark Charles L. Pearson at.....	712, 716, 719, 756
Citizenship: question as to status of a son of a citizen of the United States	
born in China of a Chinese mother	157, 171
case Aurelio F. Pinzon, in Colombia	199, 211
extract from Colombian constitution relative to nationality	204
correspondence between British legation and Colombian foreign office at	
Bogota	208
case of Charles Drevet, in France.....	369, 373
case of Karl Klingemeyer, in Germany	390, 396, 401
case of Mrs. Mary Blümeling, in Switzerland.....	805
case of Richard Greisser.....	813
case of Mr. E. Chrysosfondis, in Turkey	849, 852, 855
(See Naturalization.)	
City of Mexico: American steamer, suspected of intent to violate neutrality	
laws.....	253, 259
Claims: agreement as to, with Hayti; mixed commission	500, 510, 518
Coal: discovered in Corea.....	349
Colombia: insurrections in; financial condition of the Government..	198, 201, 216, 218,
	219, 221, 250
case of citizenship	199, 211
war vessel of United States stationed at Colon for protection of American	
interests	202
interruption of the mails by insurgents; extreme vindictiveness.....	203
extract from Colombian constitution relative to nationality.....	204
liability of the Government for spoliations resorted to for its own protec-	
tion	207
claims of Government on subject of citizenship.....	208
ports of Barranquilla and Santa Martha declared closed, and the vessels	
occupied by the rebels to be pirates; position combatted by United	
States	209, 252, 254, 264, 269, 272
United States asked to guarantee neutrality of Isthmus of Panama, un-	
der article 35, treaty of 1846.....	209
seizure of boats of United Magdalena Steam Navigation Company by	
armed forces.....	211
discussion of right of asylum in legations.....	205, 214, 218
establishment of custom-houses at Panama and Colon.....	220
transit of the Isthmus of Panama.....	223
capture and execution of Prestan	217, 223, 279
attempt to require consignees who paid duties to insurgents at ports held	
by them to pay over again to Government	221, 229, 269, 280
death of General Salgar, ex-President.....	230
enforcement of neutrality laws by United States.....	231, 234, 238, 253, 259, 275, 276
correspondence relative to troubles on the Isthmus.....	239, 244, 248
seizure of Colombian insurgents at Aspinwall by commander of United	
States vessel Galena.....	244, 247, 250
seizure of steam-tug Game-Cock, by insurgents.....	232, 249
peace.....	280
Commerce: flourishing condition of, in Argentine Republic.....	3
of the Congo Free State.....	282, 285, 290, 294, 300
depression of Hawaiian Islands.....	469
restrictions and burdens in Hayti; effort of United States to secure re-	
moval	526
Peru gives notice of termination of treaty of commerce and navigation	
with United States.....	630
translation of manifests in Cuba and Porto Rico.....	677, 684, 688
duties on scrap-iron, &c., at Barcelona...684, 700, 707, 714, 718, 719, 749, 758, 761, 767	
fine imposed on bark Ocean Pearl at Matanzas.....	688, 718, 738, 748
fine on bark Charles L. Pearson, at Cienfuegos, for not having manifest	
viséd	712, 716, 719, 756
exaction by Spanish consuls in United States of fees on cargoes destined	
for Cuba and Porto Rico	766
growing sentiment in Sweden and Norway in favor of protection	783, 784
duties in Turkey on goods from the United States.....	829, 839
proposed new treaty between United States and Turkey.....	841
tariff discussion in Turkey.....	870, 877
Congo, the Independent State of the: appointment of administrator-general	
of foreign affairs.....	57

	Page.
Congo, the Independent State of the—Continued.	
representatives of United States at Congo conference had not plenipotentiary powers; liberty of action of United States not impaired.....	60
general information regarding the new State; recognition of His Majesty Leopold, sovereign of the Independent State of the Congo	62
Constitution: proposed revision of, in Netherlands.....	585
Consular service: need of consul at Chemulpo, Corea.....	359
Contraband: articles treated as, by French, in China	161, 162
question whether rice may be treated as; discussed in French Yellow Book on Chinese affairs	363
France decides to treat rice as contraband	384
Corea: report of a journey into the interior.....	315
political revolution	331, 334, 346
convention between Corea and Japan.....	243
conflagration in Seoul.....	345
establishment of hospital at Seoul by American Presbyterian Board of Missions	346, 347
protection of United States legation by Japanese guard during conflagration at Seoul.....	347
improved condition of affairs.....	348
discovery of coal beds	349
withdrawal of Chinese troops from Seoul	349
establishment of a home office	350
withdrawal of Chinese and Japanese troops from Corea; foreign legations guarded by native soldiers	351
improvement of Korean army.....	352
"American farm" near Seoul.....	353
erection of telegraph line.....	354
visit of Tai-Wön-Kun to Corea	356, 360
need of United States consul at Chemulpo	359
collection of customs.....	358
treaty between Corea and Russia	361
Court of arbitration. (See Arbitration.)	
Cuba: translation of manifests	677, 684, 688
passports required to be viséd by a Spanish consul.....	711, 726
discontent with passport system.....	751
budget for 1885-'86.....	734, 742
Spanish Cortes passes law in regard to railroads.....	737, 755
exaction by Spanish consuls in United States of fees on cargoes destined for Cuba.....	766
alleged schemes in United States to aid Cuban insurgents.....	767
Customs: collection of, in Corea.....	359

D.

Debts, public. (See Public debts.)	
Denmark: application of section 14, act June 26, 1884, in respect of collection of tonnage tax, to vessels of Denmark coming from ports of that country to the United States, under article 1, treaty of April 26, 1826, between United States and Denmark	362
Diplomatic officers: statements of agent of the United States to Congo	293
(See case of Anthony M. Keiley.)	
Drevet, Charles: claim of naturalization not allowed	369, 373
Duties: on scrap-iron, &c., at Barcelona	684, 700, 707, 714, 718, 719, 749, 767
refusal of minister of finance to return	758, 761
in Turkey on goods from the United States.....	829, 839

E.

Education: growth of public schools in Argentine Republic	3
(See Turkey.)	
Emden, Robert. (See Passport.)	
Euphrates College. (See American College.)	
Explosives: an American firm asks good officers of consul of United States to introduce to attention of the Chinese Government	156
Expulsion of foreigners: right claimed by Germany, under principles of international law, when required in interest of public order	392, 399, 415, 419
case of David Lemberger, in Germany; given alternative of acquiring naturalization or leaving	423, 426, 427
case of Christian Emeis, in Switzerland.....	796
from Safed, Palestine, of two American citizens	862, 871, 878
Extradition: Peru gives notice of termination of treaty with United States.....	630

F.

Page.

Favored nation clause: in Danish treaty of April 26, 1826	362
(See Treaties.)	
Feinknopf, Louis: arrested in Austria-Hungary for military duty.....	5, 27
Finances: prosperous condition of, in Argentine Republic	3
in Hawaiian Islands	471, 473
issue of paper money in Hayti.....	476
public debt of Japan.....	565
deficit in budget in Netherlands	578
demonetization of silver in the Netherlands.....	583
Spanish budget for 1885-'86.....	722
Cuban budget for 1885-'86	734, 742
Fines: imposed on bark Ocean Pearl at Matanzas	688, 718, 738, 748
on bark Charles L. Pearson at Cienfuegos.....	712, 716, 719, 756
Fisheries: agreement with Great Britain in relation to.....	460
Foote, Lucius H.: United States minister to Corea, thanked by Japanese Government for his efforts in behalf of Japanese in Corea.....	567
Fournier, Mrs. Evan: claim against Hayti.....	540
France: diplomatic correspondence on question whether rice may be treated as contraband of war, in French Yellow Book on Chinese affairs	363, 384
bill before the Chambers to cancel prohibition of American salted pork, failure of	367, 373, 375, 377
case of Charles Drevet, claiming American citizenship.....	369, 373
Statue of Liberty, received at New York.....	369, 374
treaty of Tien-Tsin, between France and China	370
alleged discrimination against American petroleum.....	376
operations of French squadron.....	383
advance wages to seamen; alleged conflict of section 10, act June 26, 1884, with article 8, convention February 23, 1853, between United States and France.....	384
treaty between France and Ouachitas, west coast of Africa.....	389
United States not a party to Berlin conference.....	390

G.

Gad, Meyer: expelled from Germany	419, 423
Garrido, E. V.: settlement of his claim against Hayti.....	493, 507
Geist, John L. (See Naturalization.)	
Germany: case of Karl Klingenmeyer; United States minister cancels pass- port fraudulently obtained.....	391, 396, 401
case of Ferdinand Ravermann; renunciation of naturalization; right of expulsion.....	392, 399, 404
naturalization; cases of Hausding and Weber.....	394
emigration to United States; meaning of word "convict" in act of August 3, 1882; case of Andreas Rausch.....	402, 406
military case of Ernst F. Heitmüller.....	406, 414, 426
naturalization case of John L. Geist.....	408
European discussion of French declaration making rice contraband in Chinese war	411
right of expulsion; case of Constant A. Golly.....	415
case of Meyer Gad	419, 423
alleged false imprisonment of Charles L. George.....	420
case of David Lemberger; given alternative of acquiring naturalization or leaving.....	423, 426, 427
Military cases: Louis Lang, David Lemberger, Gerhard Wientjes, Charles Weniger, Theodore Petersen, Ferdinand Ravermann, Ernst F. Heit- müller, Frank Austin, alias Ferdinand Ostertag; Constant A. Golly, Meyer Gad, Frank Buddack, Rudolph Lieffert, David Lemberger, C. L. George, Jacob Wilhelm Thraenert	428
Berlin conference: United States not a party	442
Tonnage tax under treaties and act of June 26, 1884.....	443
Golly, Constant A. (See Expulsion of foreigners.)	
Grain: proposed duty on, in Sweden and Norway	784
Great Britain: Mormon emigration from India to United States.....	444, 448
pauper immigration.....	445
return of the Alert.....	446
Tunstall case: question of liability of United States to indemnify in case of murder in a Territory.....	449
Fisheries agreement.....	460
Greely expedition. (See Alert.)	
Greisser, Richard. (See Citizenship.)	

H.	Page.
Hausding, Ludwig: case of naturalization	394
Hawaiian Islands: commercial depression	469
Japanese immigration	470
finances	471, 473
collection of customs duties in United States gold coin	471
population	472
death of the Queen	473
policy in reference to contract labor	474
Chinese immigration	475
Hayti: issue of paper money	476
case of C. A. Van Bokkelen	477, 481, 490, 494, 497, 507, 512, 521, 522, 529, 531, 534, 537, 542, 547
imprisonment of A. C. d'Almena	480, 490, 495, 511, 522, 528, 530, 533, 536, 543
settlement of Mosele and Garrido claims	493, 507
claims, agreement and commission thereunder	500, 510, 518, 525
effort to remove burdens on commerce	527
measures taken against insurgents; refusal of French minister to permit insurrectionist to be taken from French vessel	539, 542
claims of Williams and Fournier	540
Hebrews: foreign Hebrews in Russia must have "permits of residence"	655, 663, 669, 671
Heitmüller, Ernst F.: military case in Germany	406, 414, 426

I.

Iglesias: political affairs in Peru	589, 595, 596, 597, 599
Immigration: act of August 3, 1882; meaning of word "convict"	402, 406
of Chinese into Hawaiian Islands	475
refusal of United States to permit immigration of a Swiss convict	792
Indemnity: Tunstall case; United States not liable for murder of a foreigner in a Territory	449
Insurgents: alleged schemes in United States to aid Cuban	767, 769
Italy: objection to Anthony M. Keiley as United States minister	549

J.

Japan: relations with Corea	553, 567
gift of grounds to United States for legation purposes	554, 560, 566
question whether article 12 of consular convention of 1871 between United States and Austria-Hungary applies to seamen outside the territory of the respective countries	556
appointment of ambassador to China	560
Japanese troops in Corea detailed to protect United States legation there	562
Japanese-Chinese convention	563
national debt	565
thanks to Mr. Foote for his efforts in behalf of Japanese in Corea	567
Jeannette Arctic expedition: return of the Alert to Great Britain	446
testimonials to Russian benefactors of survivors	657, 665, 666, 670, 672, 673, 674, 676
Jews. (See Hebrews, and case of Anthony M. Keiley, under Austria-Hungary.)	

K.

Keiley, Anthony M.: appointed minister to Italy; resigned	549
appointed minister to Austria-Hungary; objection to receiving him	12, 55
Key West: cattle-tax	683, 703, 710, 752, 757
alleged establishment of lottery to aid Cuban insurrectionists	767, 769
Klingenmeyer, Karl: cancellation of his passport by United States minister to Germany	391, 396, 401
Knapp, Rev. George C. (See Turkey.)	

L.

Labor: destitute American laborers in Guatemala	66, 72, 90, 109, 133
immigration of Japanese laborers in Hawaiian Islands	470
policy of Hawaiian Government in reference to contract laborers	474
workingmen's movement in the Netherlands	576
Lanie Cobb: collision case at La Guayra	903, 905, 913, 915, 923
Legation: minister of Argentine Republic at Bogota affords asylum to a citizen of Colombia who had refused to contribute to a war levy	205, 214, 218
gift of grounds to United States for legation purposes by Japan	554, 560, 566

M.	Page.
Marriages, foreign	807
Masonic: American bark seized at Manila	678, 687, 695
decision of arbitrator	724, 799
Matanzas: fine imposed on American barkentine Ocean Pearl	688, 718, 738
Matriculation in Mexico	569
Mexico: case of Thomas R. Monahan, arrested at Toluca; refusal of Mexican Government to admit intervention because he had not matriculated; matriculation laws	569
Military cases: arrest of Louis Feinknopf in Austria-Hungary with a view to exact military duty	527
arrest of Harry Rice in Austria-Hungary on charge of owing military duty; his naturalization being fraudulent, State Department refuses to intervene	19, 27
in Germany; case of Ernst F. Heitmüller	406, 426
in Germany; Louis Lang, David Lemberger, Gerhard Weintjes, Charles Weniger, Theodore Petersen, Ferdinand Ravermann, Ernst F. Heit- müller, Frank Austin, alias Ferdinand Ostertag, Constant A. Golly, Meyer Gad, Frank Buddack, Rudolph Lieffert, David Lemberger, C. L. George, Jacob Wilhelm Thraenert	428
Missionaries: protection of, and of converts to Christianity, in China	147
anti-Christian riots in Canton in September, 1884	162
flight of missionaries from Bihé and Bailunda, West Africa	631, 647, 648
permitted to teach in Mozambique	646
arrival at Lisbon of the Right Rev. William Taylor, missionary bishop of Methodist Episcopal Church, from the west coast of Africa	648
schools in Armenia	819, 825, 831
schools in Syria	834, 838
American missionaries in Ottoman Empire	855
general discussion of missionary interests in Ottoman Empire	879
Monahan, Thomas R.: arrested at Toluca, Mexico; intervention of United States in his behalf not admitted, because he had not matriculated; matriculation laws	569
Mormons: immigration of recruits from India	444, 448
emigration of Mormons from Switzerland to United States	803
Mossell, E. C.: settlement of his claim against Hayti	493
Mozambique: missionaries permitted to teach there	646
Müller, Israel: arrest of, in Russia	658, 663, 669, 671, 672

N.

Nationality, Bureau of. (See Bureau of Nationality.)	
Naturalization: case of fraudulent naturalization; State Department refuses to intervene in behalf of person claiming citizenship	19, 27
claimed by Charles Drevet	369, 373
cases of Ludwig Hausding and Johannes Weber	394
case of Robert Emden, in Switzerland	803, 806, 809
refusal of Turkish bureau of nationality to certify American citizenship of naturalized Turks	847, 873, 885
Netherlands: conflict between police authorities and workingmen at Amster- dam	576
movement in favor of universal suffrage	577
deficit in budget	578
revision of colonial customs tariff	583
monetary measures	583
projects for revision of constitution	585
Neutrality: obligation of neutral Government to prevent its citizens from joining in hostile movements limited by jurisdiction	161
United States maintain neutrality in war between China and France ...	168, 172
supposed hostile expedition of Gaitan against Colombia	231
enforcement of neutrality laws of United States in reference to Colombia.	234, 238
case of steamer City of Mexico	253, 259
discussion of neutrality laws of United States with Spanish minister....	770

O.

Ocean Pearl. (See Matanzas.)

P.	Page
Passport: refused to Charles Drevet, claiming as American citizen, by minister to France.....	369, 373
cancellation of passport of Karl Klingemeyer by United States minister in Germany.....	391, 396, 401
cases of Ludwig Hausding and Johannes Weber, in Germany.....	394
of persons going to Cuba required to be viséd by Spanish consul.....	711, 726
discontent with system.....	751
fee cannot be dispensed with by Secretary of State.....	794
case of Robert Emden, in Switzerland.....	803, 806, 809
Paupers: immigration of, prohibited.....	445, 792
Peru: case of Owen Young, murdered at Tecapa.....	587, 589, 596, 598, 600, 605, 607, 611, 616
contest between Cacéres and Iglesias.....	589, 595, 596, 597, 599, 601, 603, 605, 616
meeting and proceedings of constituent assembly, at Lima.....	595, 597
Government officials driven out of department of Ancachs, by Indians ..	597
Truxillo seized by revolutionists.....	600
censorship of the press.....	603
Cacéres issues ultimatum.....	606
precautionary measures taken to protect American interests in Truxillo.....	608
occupation of Canta by Government troops.....	609
order against political suspects.....	615
Cacéres declares that protection will not be granted to subjects of such Governments as refuse to recognize him as a belligerent.....	620
estimate of forces of Cacéres.....	622
success of Government forces at Cajamarca.....	623
rules of decision of court of arbitration in Chili.....	625
repulse of revolutionists.....	625
progress of Government troops.....	626
defeat of Cacéres.....	627
denunciation of treaties with United States.....	630
Petroleum: alleged discrimination against American petroleum in France...	376
Pflaum, Dr. (See Turkey.)	
Piracy: discussion with Colombia.....	209, 252, 254, 264, 269, 272, 275
refusal of United States to treat as pirates certain revolutionary vessels so proclaimed by Venezuela.....	935
Population: character of, in Hawaiian Islands.....	472
Pork, American: bill before French Chambers to cancel prohibition against..	367, 373
failure of bill.....	375, 377
proposed duty on, in Sweden and Norway.....	784
Porto Rico: translation of manifests.....	676, 684, 688
exaction by Spanish consuls in United States of fees on cargoes bound for Porto Rico.....	766
Portugal: correspondence relative to flight of missionaries from Bihé and Bailunda, West Africa.....	631, 647, 648
foreign missionaries permitted to teach in Mozambique.....	646
arrival at Lisbon, of the Right Rev. William Taylor, missionary bishop of Methodist Episcopal Church, from west coast of Africa.....	648
tonnage tax under section 14, of act of June 26, 1884, in connection with Article XIII of treaty with United States of August 26, 1840.....	653
Prestan: revolutionist in Colombia, captured by Government forces.....	217, 279
executed.....	223
Protection: growing sentiment in Sweden and Norway in favor of protective duties.....	783
Public debts: punctual payment in Argentine Republic.....	3
debt of Spain.....	722

R.

Railroads: extension of, in Argentine Republic.....	2
attitude of Chinese Government with respect to construction of.....	180
Spanish Cortes passes law in regard to construction of railroads in Cuba.....	737, 755
Rausch, Andreas. (See Immigration.)	
Ravermann, Ferdinand: rules announced by Germany as to naturalization and the expulsion of foreigners.....	392, 399, 404
Revolutionary pamphlets: the Executive of the United States cannot take cognizance of, whether directed against this or another Government..	53
Rice: treated by French in China as contraband.....	161
Rice, Harry: naturalized citizen of United States, arrested in Austria-Hungary, on charge of owing military duty.....	19, 27
Rock Springs: attack on Chinese at.....	187

	Page.
Russia: residence of foreign Hebrews	655, 663, 669, 670
Jeannette expedition	657, 665, 670, 672, 673
Arrest of Israel Müller	658, 663, 669, 670, 671, 672
Opening of St. Petersburg and Cronstadt Canal	660
Manufacture of sugar	672
Journey of Lieutenant Schuetze to Russia, to take testimonials to Russian benefactors of Jeannette survivors	666, 670, 672, 673, 674, 676

S.

Schuetze, Lieut. W. H.: journey to Russia to present testimonials to benefactors of Jeannette survivors	666, 670, 672, 673, 674, 676
Scrap iron. (See Barcelona.)	193
Seattle: attack on Chinese	193
Shipping act, of June 26, 1853. (See Tonnage tax and Treaties.)	
Ships' papers: retention of, in Venezuelan ports	902, 912, 916, 914, 928
Spain: translations of manifests in Porto Rico	677, 684, 688
case of the Masonic	678, 687, 695, 724, 729, 754
cattle-tax at Key West	683, 703, 710, 752, 757
duties charged on cargo of scrap-iron at Barcelona	684, 700, 707, 714, 718, 719, 749, 758, 761, 767
fine imposed on barkentine Ocean Pearl, at Matanzas	688, 718, 738, 748
passports of persons going to Cuba, required to be viséd by Spanish consul	711, 726
fine imposed on Charles L. Pearson, at Cienfuegos, for not having manifest viséd	712, 716, 719, 756
ministerial crisis	720
budget for 1885-'86	722
budget of Cuba for 1885-'86	734, 742
passage of law in regard to railroads in Cuba	737, 755
pestilence	746
discontent with passport system in Cuba	751
death of Alfonso XII	762
regency of Queen proclaimed	765
exaction, by Spanish consuls in United States, of fees on cargoes destined for Cuba and Porto Rico	766
alleged schemes, in United States, to assist Cuban insurgents	767, 769
protectorate over certain territories on west coast of Africa	769
Statue of Liberty: received at New York	369, 374
Sugar: manufacture in Russia	672
Sweden and Norway: growing sentiment in favor of protection	783
proposed duties on grain and pork	784
construction of favored-nation clause of treaty with United States, of 1827, in connection with section 14 of act of June 26, 1884	786, 789
commercial, political, and social condition	787
passport refused by American minister to agent of the Mormon Church	788
Switzerland: release of Joseph Binzegger, confirmed incendiary, from prison, on condition of emigration to United States; protest of United States minister	792
passport fee cannot be dispensed with by Department of State	794
case of Christian Emeis, expulsion	796
emigration of Mormons to United States	803
passport case of Robert Emden	803, 806, 809
citizenship case	805, 807
foreign marriages by United States citizens	807
right of cantons to levy import duties	812
citizenship of Richard Greisser	813

T.

Taylor, William: missionary bishop of Methodist Episcopal Church in United States; arrives at Lisbon from west coast of Africa	648
Telegraphs: improvement of telegraphic communication between United States and Argentine Republic	1, 4
erection of line in Corea under agreement with China	354
Tonnage tax: application of section 14 of act of June 26, 1884, to vessels of Denmark coming from ports of that country to United States, under article 1, treaty of April 26, 1826, with Denmark	362
under Article XII of treaty of 1875 with Belgium	64
under act of June 26, 1884, in connection with various German treaties	44?

	Page.
Tonnage tax—Continued.	
under section 14 of act of June 26, 1884, in connection with Article XIII of treaty between United States and Portugal, of August 26, 1840	653
under treaty with Sweden and Norway of 1827, and section 14 of act of June 26, 1884	789
Treaties: construction of Article XII of treaty of 1875, with Belgium	64
between Russia and Corea	361
construction of Article I of Danish treaty of April 26, 1826	362
between France and Ouachitas	389
construction of two-years clause in treaty of 1868, between United States and Germany	392, 415, 419, 420, 438
Article XII of consular convention, 1871, between United States and Austria-Hungary applies only to seamen in the territory of the respective parties	556
convention between China and Japan	563
denunciation by Peru of treaties with United States, with a view to new conventions	630
construction of Article XIII of treaty with Portugal of August 26, 1840, in connection with section 14 of act of June 26, 1884	653
construction of favored-nation clause in treaty of 1827 with Sweden and Norway, in connection with section 14 of act of June 26, 1884	786, 789
disputed interpretation of Article IV of Turkish treaty of 1830	827
proposed new treaty of commerce between United States and Turkey ...	841
discussion of Article IV of treaty of 1830 between United States and Turkey	890, 898
Turkey gives notice of termination of treaty of 1862; discussion	895, 901
Truxillo: seized by revolutionists	600
precautionary measures to protect American interests	608
Tunstall, J. P.: claim of British subject against United States for murder of his son in Territory of New Mexico	449
Turkey: case of the Rev. George C. Knapp	815, 843, 845
schools established in Armenia by American Board of Commissioners for Foreign Missions	819, 825, 831, 840, 844, 862, 872
obstacles to sale of Bibles	823, 832, 838
case of Dr. Pflaum	825, 831, 841, 844, 859
case of Messrs. Knapp and Reynolds	815, 827, 834, 842, 859, 868
disputed interpretation of fourth article of treaty with United States of 1830	827
import duties on goods from United States	829, 839
mission schools in Syria	834, 838
proposed new treaty of commerce with United States	841
bureau of nationality; certification of citizenship of United States ...	847, 873, 885
exaction of duties and taxes at Arabkir	848, 854
question of citizenship	849, 853, 855, 860
expulsion from Safed, Palestine, of two American citizens	862, 871, 878
tariff discussion	870, 877
school taxes in Mytilene	872, 878
general discussion of missionary interests in Ottoman Empire	879
jurisdiction of United States consuls; Article IV of treaty of 1830	890, 898
notice of termination of treaty of 1862	895, 901

V.

Van Bokkelen, C. A.: claim against Hayti	477, 481, 491, 493, 497, 507, 512, 521, 522, 529, 531, 534, 537, 542, 547
Venezuela: retention of ships' papers	902, 912, 914, 916, 928
case of Lanie Cobb	903, 905, 913, 915, 923
locusts	904
President Crespo proclaims revolutionary steamer Justicia Nacional a pirate	917
refusal of United States to so treat it	920
Wheelock case	930, 936

W.

Weber, Johannes: case of naturalization	394
Wheelock, John E.: claim against Venezuela	930, 936
Williams, Mrs. Evan: claim against Hayti	540

Y.

Young, Owen: murdered in Peru	587, 589, 596, 598, 600, 605, 607, 611, 616
-------------------------------------	---

House documents

Bd.: [373.] 1885/86, Vol. 1 = Congress 49, Sess. 1

Washington, DC 1886

Am.b. 3040-373,1

urn:nbn:de:bvb:12-bsb11548075-1